DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1990

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

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PART 2

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Attorney General	
Foreign Claims Settlement Commission	
Community Relations Service	
Office of Justice Programs	
Inited States Parole Commission	
Beneral Legal Activities and Civil Liberties Public Education Fund	
Inited States Attorneys	
Intitrust Division	
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Inited States Trustees	
Inited States Marshals, Assets Forfeiture Fund and Support of U.S.	
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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1990

Tuesday, February 28, 1989.

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL

WITNESSES

DICK THORNBURGH, ATTORNEY GENERAL HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. Smith. This morning we will begin testimony on the fiscal year 1990 budget request for the Department of Justice. The Department requests \$6,526,081,000 for fiscal year 1990, a twelve percent increase over fiscal year 1989 appropriations. We will insert in the record at this point the summary pages from the Department's budget justification.

[The justifications follow:]

TRATION



U.S. Department of Justice Justice Management Division

FY 1990 Budget Summary



Prepared by: Budget Staff Justice Management Division Winter 1989

DEPAREMENT OF JUSTICE

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DEPARTMENT OF JUSTICE

Barmary of Budget Authority by Appropriation (In thousands of dollars)

		Fiscal ve	r
Appropriation	1988	1989	1990
General Administration	\$88,360	\$85,895	\$99,325
Working Capital Fund	***	•••	
Office of Inspector General	•••	9,049	19,433
U.S. Parole Commission	11,665	10,893	10,335
Legal Activities:	,		
General Legal Activities	243,209	246,894	295,289
Independent Counsel	11,000	•••	• • •
Antitrust Division	44,937	44.937	47,222
Foreign Claims Settlement Commission	500	472	440
U.S. Attorneys	380,339	460,212	454,279
U.S. Marshals Service	186,668	205, 129	228,846
Support of U.S. Prisoners	97,046	110,100	147,034
Fees and Expenses of Witnesses	47,015	52,203	56,784
Community Relations Service	33,858	27,858	29,609
U.S. Trustees	29,370		
Total, Legal Activities	1,073,942	1,147,805	1,259,503
Total maker went to an	2,0.0,0.0	2,200,000	-,,
Organized Crime Drug Enforcement			214,921
Federal Bureau of Investigation	1,401,492	1,439,100	1,505,846
Drug Enforcement Administration	494,076	534,450	546,181
Immigration and Naturalisation Service	729,314	822,023	866,459
Federal Prison System	,	444,444	000,
Salaries and Expenses	762,423	952,426	1,152,554
National Institute of Corrections	9,590	9,590	10,112
Buildings and Facilities	297.076	388,143	401,332
Total, Federal Prison System	1,069,089	1,350,159	1,563,998
Total' Lengtas Letanti planmilitiiiiii	2,000,000	_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2,000,000
Office of Justice Programs	229.075	316,975	96,253
orrion or nancron traditional			
SUB-TOTAL, DEPARTMENT OF JUSTICE	5,097,013	5,716,349	6,182,254
			• •
Interstate Commerce Commission Transfer			1,473
Independent Counsel		7,000	6,000
Civil Liberties Public Education Fund			20,000
U.S. Trustee System Fund	18,000	47,370	62,777
Assets Forfeiture Fund	160,538	326,000	337,729
Immigration Legalization	189,279	72,043	54,792
Immigration User Fee	91,707	104,000	105,000
Immigration Examination Pec	22,.0.	21,000	26,500
FPI Borrowing Authority	• • • • • • • • • • • • • • • • • • • •	20,000	20,000
Crime Victims Fund	77.446	93.559	90,000
AP WIRE A PARAMED & STREET STREET, STR			
TOTAL, DEPARTMENT OF JUSTICE	5,633,983	6,407,321	6,886,525

DEPARTMENT OF JUSTICE SUMMARY OF 1989 NEGGET ANTHORITY (Dollars in thousands)

	Perm Post.	F15	Amount
1989 budget authority	73,048	75,996	\$5,687,071
1989 supplemental (Anti-Drug Abuse Act of 1988)	_1,706	_1.526	601.400
1989 enacted	74,754	77,522	6,288,471
1989 rescission proposel (Meriel Cubens) Adjustments in permanent positions	•••	•••	-5,000
and workyears	-233	-564	•••
1989 proposed supplementals	25		118,850 5.000
1989 budget authority anticipated	74,546	76,971	6,407,321

1990 APPROPRIATION LANGUAGE CHANGES

General Administration. The language making funds previously exceeded for the Federal Justice Research Program evailable for other activities within the General Administration appropriation was a one-time requirement and is cuitted in

Office of Inspector General. The Inspector General Amendments Act of 1988 provided for the establishment of an Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as emended.

General Lecal Activities. The request contains an earmarking of not to exceed \$5,751,000 for the operation of the U.S. National Central Bureau, INTERPOL. This proposal distinguishes the operations of INTERPOL from the remainder of the litigating activities.

The request would allow up to \$6,000,000 to remain available for litigation support contracts until September 30, 1991. Two-year availability for this purpose has been included in the last five appropriation acts. The request would provide not to exceed \$12,160,000 for office automation systems in the legal activities and policy offices to remain available until expended, an increase over the \$5,000,000 limitation established in 1989. No-year availability of funds for this purpose has been included in the last three appropriation acts.

United States Attorneys. Language is proposed to earmark \$5,000,000 of the U.S. Attorneys appropriation for debt collection efforts. This amount would remain available until September 30, 1991.

Support of United States Prisoners. The limitation on the amount available for the Cooperative Agreement Program (CAP) is raised from \$5,000,000 to \$15,000,000. Language providing the conditions under which CAP funding is available is eliminated here because it is inoxporated in the Anti-Drug Abuse Act of 1988 as a permanent statutory language change.

Face and Expenses of Witnesses. The limitation on the funds for protected witness safesites that remain available until expended is increased from \$1,350,000 to \$1,690,000.

Community Relations Service. The limitation on the Cuben/Haitian entrant program is increased from \$20,667,000 to \$21,606,000.

<u>Civil Liberties Public Education Fund</u>. The Civil Liberties Act of 1988 provides for the establishment of an Civil Liberties Public Education Fund. The Fund provides for redress payments of \$20,000 to eligible individuals who were evacuated or relocated from their homes and intermed during World War II.

United States Trustes System Fund. The language to marge the obligated belances is no longer needed because the balances from "Salaries and expenses, oversight of bankruptcy cases" were marged with the Fund as of September 30, 1986.

<u>Assets Forfeiture Pund</u>. An appropriation of \$100,000,000 from the Assets Forfeiture Pund is requested for progress-related expenses. In addition, a limitation of \$237,729,000 in the permanent, indefinite appropriation is proposed for expenses necessary to saize, detain, inventory, safeguard, maintain, advartise or sell property under seisure.

Organized Crime Drug Enforcement. The Anti-Drug Abuse Act of 1988, Section 1055, provided for the establishment of an Organized Crime Drug Enforcement appropriation for expenses incurred in the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking.

Federal Bureau of Investigation. Language is requested to increase the amount of carryover funding for research and development investigative activities from \$3,000,000 to \$8,000,000. Additionally, the words "and development" are added to expand the application of this limitation.

Language is requested to extend authorization for payments of overtime and other expenses to State and local law enforcement agencies involved in cooperative drug investigations. Current language allows such payments for those State and local agencies involved in terrorism investigations.

Language is requested for authority to charge a fee for expenses incurred for conducting fingerprint and name checks of employees of private sector contractors with classified government contracts.

Language is requested to change the limitation on no-year obligational authority for a language translation and recording system in the New York Field Office from \$11,358,000 to \$7,500,000.

<u>Drug Enforcement Administration</u>. The number of passenger motor vehicles that can be purchased for police-type use without regard to the general purchase price limitation is increased from 549 to 703. The number of replacement vehicles remains at 489. A limitation of \$9,638,000 is requested for contracting for ADP and telecommunications equipment to remain available until September 30, 1991. In 1989, a limitation of \$5,000,000 was emacted.

Language is requested extending two-year funding authorization to the purchase of laboratory equipment. Current language applies only to technical equipment.

The language authorising two-year money for the purchase of aircraft and related equipment has been cuitted. This language is not required since additional aircraft are not requested in 1990.

<u>Immigration and Naturalization Service</u>. The number of replacement passenger motor vehicles that may be purchased without regard to the general purchase price limitation is increased from 512 to 525, the latter number remaining the same as in 1989.

Federal Prison System - Salaries and Expenses. The number of law enforcement and passenger motor vehicles authorized for purchase is 169. The number that can be purchased for replacement is decreased from 109 to 55.

The authorization to use \$4,204,000 to use "Salaries and expenses" funds to replace Federal Prison Industries equipment destroyed during the Mariel-Cuban disturbances is no longer needed.

Federal Prison System - Buildings and Facilities. Language is requested to undertake a leasing progress. Leased prisons, constructed with private resources, would be staffed and managed by the Bureau of Prisons.

Faderal Prison Industries Incorporated. The request proposes to delete one-time language borrowing \$20,000,000 from the Federal Financing Bank. The request also includes a proposal to lift the limitation on administrative expenses from \$2,347,000 to \$2,887,000. In addition, language dealing with the limitation on vocational training is deleted because funding for this progress is proposed to be transferred to the Salaries and Expenses appropriation.

Office of Justice Programs - Justice Assistance. Language is requested to clarify reference to authorising legislation so that the appropriation will refer to all program and administrative funds that are provided in the Justice Assistance account.

The language deletes the following programs which are proposed to be phased out: State and Local Assistance discretionary programs, the Anti-Drug Abuse programs, the Juvenile Justice programs, and the Mariel Cuben program.

1990 AUTHORIZATION BILL

The Department of Justice will submit its 1990 Authorization Bill to Congress following submission of the President's Budget. Title I of the bill authorizes the eighteen separate appropriations for the Department of Justice and contains specific authorizations for multiyear funding for certain activities as well as authority to pay for items such as uniform allowances and representation expenses. Title II of the bill contains permanent authorizing legislation for the Department. Title III of the bill contains additional permanent

authorization and substantive legislation. Title IV of the bill contains provisions that will reduce funding for or eliminate cartain programs administered by the Office of Justice Programs. Title V of the bill contains various provisions that would be enacted to conform the numbering of those statutes that would be affected by enactment of Title II and Title III of the bill.

The most significant items in the bill are contained in Title II. Foremost among these is permenent undercover authority for the Federal Bureau of Investigation, the Drug Enforcement Administration, the Damignation and Naturalization Service, and the Marshals Service. This authority allows the Department to ensure that undercover investigations conducted by these agencies do not violate otherwise applicable banking, appropriations, procurement, and government corporation laws.

Title II of the bill also contains the first systematic codification of the various financial authorities applicable to the Department as a whole or applicable to one or more of the Department's law enforcement bureaus. Most of these authorities were contained in the Department's 1980 armual authorization act and have been continued in effect by subsequent appropriations acts. In addition, Title II would provide the Department with gift acceptance authority, with authority to retain user fees to the extent specified in armual appropriations acts, and with authority to enter into reinturable agreements with other Federal agencies to cover costs incurred by private counsel in defending Government employees sued for actions while performing their official duties.

Title III of the bill contains additional parament legislation, such as a provision granting general arrest authority to agents of the Immigration and Naturalization Service and a provision amending several criminal statutes so as to perait certain actions.

Title TV of the bill repeals certain authorising provisions relating to programs administered by the Office of Justice Programs. These provisions are submitted pursuant to the Administration's proposed budget and are consistent with the priorities established by the President.

DEPARTMENT OF JUSTICE

1990 Estimates Command with 1988 and 1989 Requirements (In thousands of dollars)

		1988	Actual
	Perm.		
Appropriation	Pos.	_FIE	Obligations
General Administration	1,216	1,164	\$92,626
Office of Inspector General		-,	4-2,
U.S. Parole Commission	179	168	11,505
Iscal Activities:			22,000
General Legal Activities	3,178	2,913	239,818
Antitrust Division	549	515	45,216
Foreign Claims Settlement Commission	~	5	427
U.S. Attorneys	5,958	5,720	380,028
U.S. Marshals Service	2,864	2,840	185,079
Support of U.S. Prisoners			
Fees and Expenses of Witnesses	•••	•••	95,685
Community Relations Service	:::	:::	49,670
Independent Counsel	118	118	33,790
	***	:::	10,060
U.S. Trustees		464	41.650
Total, Legal Activities	13,569	12,575	1,081,443
Organised Crime Drug Enforcement	•••		***
Federal Bureau of Investigation	22,456	21,561	1,387,845
Drug Enforcement Administration	5,710	5,477	491,376
Immigration and Naturalisation Service	15,453	11,942	807,759
Federal Prison System			•
Salaries and Expenses	11,760	11,336	758,392
National Institute of Corrections	41	44	10,373
Buildings and Facilities	137	100	124,289
Total, Federal Prison System	11,938	11,480	893,054
Office of Justice Progress		321	267.194
SUB-TOTAL, DEPARTMENT OF JUSTICE	70,850	64,688	5,032,802
Interstate Commerce Commission Transfer			
Independent Coursel		***	• • • • • • • • • • • • • • • • • • • •
Civil Liberties Public Education Fund		• • • •	• • • • • • • • • • • • • • • • • • • •
U.S. Trustee System Fund	• • • •	• • • •	
Assets Forfeiture Pund	***	• • • • • • • • • • • • • • • • • • • •	160,538
Designation Legalization	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •	113,247
Designation User Fee	***		91,707
Imaigration Examination Fee	• • • • • • • • • • • • • • • • • • • •		22,707
PPI Borrowing Authority			
Crime Victims Fund			68,694
TOTAL, DEPARTMENT OF JUSTICE	70,850	64,688	5,466,988
Limitations			
Federal Prison Industries, Inc	126	126	8,679
Reimbursable and Allocation FTE Workyears	• • •	6,124	• • • •

	1989 Appro			1990 Est	inate	19	ase or I	ocrease 1989
Porm.		-	Perm.			Perm		
Pos	FIE	Amount	Ross	_FIE	Amount	Pos	FIE	Amount
1,123	1,179	485,895	1,060	1,126	\$99,325	-43	-53	\$13,430
276	145		290	289	19,433	14	144	10,384
161	156	10,893	131	126	10,335	-30	-30	-558
							4.54	40 005
3,229	3,051	246,894	3,417	3,205	295,289	188	154	48,395
549	531	44,937	544	526	47,222	-5	-5	2,285
7	7	472	7	7	440	***		-32
6,730	6,445	460,212	6,105	6,041	454,279	-625	-404	-5,933
2,947	2,987	205,129	3,100	3,098	228,846	153	111	23,717
		110,100			147,034		• • •	36,934
	• • • •	52,203	•••		56,784		• • •	4,581
118	113	27,858	118	120	29,609	• • • •	7	1,751
		21,000						-,
• • •	***	•••	***					
13,580	13,134	1,147,805	13,291	12,997	1,259,503	-289	-137	111,698
		• • •	• • •		214,921			214,921
27,421	21,801	1,439,100	21,634	21,065	1,505,846	-787	-716	66,746
5,896	5,661	534,450	5,409	5,124	546,181	-487	-537	11,731
15,293	14,145	822,023	13,792	13,234	866,459	-1,501	-9 11	44,436
35 340	10.005	050 404	17 471	15,892	1,152,554	2 221	2,987	200,128
15,240	12,905	952,426	17,471			2,231		
41	41	9,590	49	49	10,112			522
ــــــــــــــــــــــــــــــــــــــ	155	388,143	262	242	401.332		87	13,189
15,462	13,101	1,350,159	17,782	16,183	1,563,998	2,320	3,082	213,839
334	342	316.975	310	318	96,253	-24	-24	-220.722
74,546	69,664	5,716,349	73,719	70,482	6,182,254	-627	818	465,905
		•••	20	20	1,473	20	20	1,473
		7,000	• • •		6,000			-1,000
• • •	• • • •	111		• • • •	20,000	• • •	• • • •	20,000
• • • •	• • • •	47,370	•••	• • • •	62,777	•••	• • • • • • • • • • • • • • • • • • • •	15,407
• • • • • • • • • • • • • • • • • • • •	***	326,000		• • • • • • • • • • • • • • • • • • • •	337,729	• • • • • • • • • • • • • • • • • • • •		11,729
		72,043			54,792			-17,251
•••	•••		•••	•••		• • •	•••	
• • •	• • •	104,000	• • •	•••	105,000	•••	• • •	1,000
• • •	• • • •	21,000	• • •	•••	26,500	•••	• • •	5,500
• • • •	***	20,000	• • • •	• • •	:::	• • •	* * *	-20,000
		93,559			90,000			-3,559
74,546	69,664	6,407,321	73,739	70,502	6,886,525	-807	838	479,204
126	68	7,051	32	32	2,857	-94	-36	-4,194
	7,239	• • • •		9,506	• • • •		2,267	
	•			•				

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30 n 4694			1.439.190	1,511	\$15,666	15.UI	116.200	11,41	1,261,895	111	\$19.875	14,754	5,597.699	1	194,072	74 794	6.80.04
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1949 Program supplimental requestes				,									,				
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394 et 1864	1:4,931	33.634	1,565,866	1,465	146,181	11.112			1.567.550		66,193	13,719	4,101,04		166.271	13,139	6,686 525
Change 1998 tree 1989	214,421		66,766	101		0 90	0.0			1 (10	(120,711)	(627)	41.11	10	13.89		01.26
Cartegra to sale				:		,				:							<u> </u>
rapplers to and tree other occupation	26.1%	1637.	(12,549)	100	(64.366)				***	i		(2.166)		H		12.166	61.163
larisgs des to subogreest soltsations			***	(11)	(148)		***		(1,640)			1597	(1.143). 1 :	***	1		(1,14)
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Anne atetan et alle fregras ferreibes			. 535			í	•	: 14	16,690			14	N.111		•		14.616
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kers pet etette			13.636		1.976		re:		429		1.66	- ;	29,564	***	04.552	- ;	10 613
Manager es et . H. Sapplemente	1		***		***	٠.,,	***	ä					1,942 -	***	9,633		11.491
Secured redafferties projects							***	12	•••			12	ui:	***	- 1	- 12	44
Bassa statues of 1909 Bis transfer			•••		• • •				***		***	i	10 311	•••	- 1	i	18,344
We salder across	1.		14.161		19,993		12.50	. 14	141,111		1,18	H	61,41		1,616	н	61.559
rmm			GIO		(19.160)		() 546)	· 	(0),(6)		i	1	(607,865).		(0),896		1692,4.9:
fere adjustment to body as a constraint	360.676	16371	47,344	(621)	(53.0;3)	. 1	65,005	- 4	(364 765)	-	1.78	(2,016)	14,115		14,111	(3.996)	13.60
IM NOV	394.676 ;	21.764	1,01,64	3,671	63,611	115,293	147,634	35,500	1,665,410	. 134	121,760 :	11.1M	5,150,576 /	11	(11,10)	17.114	4,631.363
भ'त सम्ब				,		:					:				;		
Shaff and related expenses a construction of the	1,46	• • • • • • • • • • • • • • • • • • • •	11,104	. 334	98,344	44	18,611		22 586 . 245,686	. 15	12.101/	1.946	168,721 : 368,686 :		191 : 1	1.144	249,474 348,496
(90)							- 4		200		(111,111):		(312,791)		i,		(212,791)
2'361 (1656)			16.83	• • • • • • • • • • • • • • • • • • • •	5.100		(24,651) (3.247)	. 191	111,444	1111	coi.	(667) (697)	143 .196 . (6,648)	***	H.131 .		(6,925 (6,900)
"s a. Bratis raspo	8,86	456		, IA	61,766	ii. W ii	(H, HF	115	(1) (1)	ilti	(1 1), 4 1).	1,111	431,686 .	-7-	15,443	1,185	60,161
Minraere	114,341	21.би	1,161,166	1,60	14.181	is,791	84 611	11.767	1.561,198	. 110	W.B)	11,111	6.10.34	H	18.11	11,110	6,000,121
THERE I THE SERVICE COMPANY AND A SERVICE CO. CO.	214.92	· mii	474	· ide	TO FE	11 4 1	474	1.11	25.00	110	(116,715)	1111	#5.165 ·		11,194	-185	Di.H
and and the real state of the second	414.741	11472			41.741			4,744		. 1992	************		#*, m1 t		**,***	,,,,	4.7.200

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DEPARTMENT OF JUSTICE Summary of Requirements snalysis of 1990 other authorities (University Absorbed)

	ICC TIUME	 1710	DOD'SO.	LIBET.	U. S. TRUSTICES FAC	AMETS PORTETY.	Decis.		I DOGG.	PRISONS BORROW.	VICTOR	i	OTAL PRESE CRITIES
	Pos.	Anount	Asount	Asount	Asount	Asount	Mount	Accest	Amount	Amount	Asopt	Pos.	Anount
1968 obligations						\$160,538	\$113,347	\$91,707			164,694		844.186
Department of Justice Appropriation Act, 1989			7,000	٠	847, 270	75,000	72,043	104,000	\$21,000	1	93,559	١	419.972
1909 supplemental Uniti-Drug Abuse Act of 1908)		•••	٠	·		251,000	·	1	١	20.000	!	١	271,000
1909 as enacted	0	۰	1,000	0	47,170	326,000	73,043	104,000	21,000	30,000	93,559	0	690,972
Proposed rescussion		•••	·	· ·	i	! !	1	i	!	! !	i		•
Adjustments to permanent positions					!!		!	1		1			۰
Transfers to and from other accounts				i	1			!		l			•
1909 Program supplemental requested										ļ			٥
1909 appropriation enticipated		0	7,000	0	47,370	126,000	12.043	104.000	21,000	20,000	13,550	•	690,973
1990 estimate	20	1.473	6,000	20,000	62,777	337,729	54,792	105,000	36,500	i	10,000	20	704,271
Change 1990 (ron 1989	20	1,473	(1,000)	20,000	15,407	11,729	(17,251)	1,000	5,500	(20,000)	(3.559)	20	13.299
Adjustaments to base				<u></u>			,	1 /	·	1	· · ·		
*****************								1					
Transfers to and from other accounts	30	1,473	:::		9) 1	:::			:::			20	1.566
Adjustments in permanent positions			:::							į :::			ŏ
Hendatory Increases:							•		i	i	i		_ i
Annualization of 1989 Program Increases			***		!		1						0
1989 Pull-year pay increase impact on 1990					1.460 1					i :::			1,460
Special salary rates		••• 1		٠	276 1						1	•••	276
Vithin-grade increases	***	•••			341	•••					1	•••	341 207
Health Benefits	***				1.085			· :::				:::	1,085
Ped. Suployees' Com. Act - Workers Compensation.	***	••• 1		• • • •		•••					1		
Fed. Employees' Comp. Act - Unemployeent Comp	•••	••• !	•••	••••	; \$40 i	•••					!	•••	540
GEA Rest	***	1	***						:::		!		7
Federal Telecommunications System (FTS)					10				i		i		30
Telephone Service	•••	!	•••		25 1	•••	!!	•••		!	1	•••	25
GPO printing costs	•••	!				***		:::			1	***	ř
Poreign Allowances			***			.,,			i		i	,,,	0
Distributed Administrative Support	,,,	!	444			***					1	***	
Omeral pricing level adjustment	•••		:::			***		res eee		••••	!		53) : 180
Pull-field investigations		- ::: 1			12	:::				:::	:::		12
Security reservests gats one	•••	1		•••			1				1	***	9 ;
Back pay avards	•••	*** }		***				1.000	1.500		••••	•••	(10,751)
Annualization of 1967 Supplemental		:::	,,, 1						3,300				9.631
Delayed construction projects	***	1	:								:		0
Annualization of Civil Liberties Act supplemental Annualization of 1909 Old transfer	•••	•••				***			•••			•••	0 :
	***				14.361 .				5.500		:		3.610
Total, mandatory increases	v	1			1	•	117,2513	1,000	.,,,,,,	(20,000)	1		(23,559)
Total, adventments to have	36	1.47)			16,454		(17.281)	1.000		(20,000)		20	(18.363)
1990 have		1.473			61.624			105,000			90,000 1	~	672,549
Program changes	~		.,	Ĭ		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	~,		34,340	•			
		i	- 1		i i		i ;	i i	i :	,	i		1
Staff and related expenses	•••	•••	*** !	•••				•••	•••		!	۰	95) :
Construction.	***	1	}	***	!		:::		***		!		0 :
Other changes	•••	i	(1,000)	20,000	1	11,729	1			1	1	***	30,729
A-7 reduction	•••	1	1		\$		1	1	•••		1		0 1
Total, program changes		6 1	(1,000)	20,000	95) (11,729	- 01	0 1	6	0	0:	0	31,642
1990 estimate	- 20	1,47) 1	6,000 1	20,000	63,777	337,729	54,99 (105,000	26,500	01	10.000 1	30	104,271
Change 1990 from 1909	X	1.473 ;	(1,000)	20,000	15,457	11,729	(17,251)	1,000	5,500	(30,000) 1	(3,559):	20	13,299 1
			-										

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DEPARTMENT OF JUSTICE SALARIES AND EFFENSES, GENERAL ADMINISTRATION ANDITOSIS OF ON INCRESS OF 013,430,000 (Dollars in thousands)

	SECRETA DIRECTION AND SOFICE COORDINATION							;				
	DEPART		ERECUTI SUPPORT				JUSTICE RANAGES DIVESTE	ENT	ADPEAL APPEAL		101AL /	
	fes	Assunt	Pes.	Assunt	141	Assunt	Pes.	Assunt	Pes	ABOUAL	Pes.	Assunt
1988 ebligations	14	14,256	1 11	17, 187		12.014	590	144.535	477	110,405	1,316	192,42
1969 as enacted.	11	5,573	,,,	6,760	27	2,015	510	43,440	677	30,492	1.216	48,340
Asjustments to permanent positions							(25)				(29)	
Transfers to and from other accounts					20	333	(40)				1	12.46
	••••										; ·····	
1989 appropriation enticipated,	56	5,573	"	4,740	47	2,426	(1)	40,442	. ,,,	30,412	1,123	65,611
1440 estisate	16	4,744	67	7,348	42	8,556	422	45,934	493	34,199	1.080	99.37
Change 1490 from 1489	•	413		608	0	1,124	(55)	5,296	16	5,707	(63)	13,430
Adjustments to base												
Transfers to and from other accounts		10		14			(66)	(3,527)		+5	[64]	(3,344
Aandatory increases		1										
Annualization of 1987 IRCA Supplemental		1		:		1				1,962	٠.	1.94
Annualization of 1989 Old transfer		- 111		!		999 1		:				991
1989 full-rear pay increase lapact on 1990		140		294		60 ;		1,498		110		3,42
Scecial salary rates.		19		46		1		137		105		31
Health Benefatt.	***	29		72		10		317		195		41
Fed Espierees' Cosp. Act - Unespiersent Cosp		- 3		11				328 1		149		587
654 Rent	***	49		103	***	.1 :		21 :		12		
651 recurring relaborsable services						10		616		400	Ţ.	1,220
federal Telecommunications System (f15)			•••	35		*:: !						
Taleshane Service	• • • •					12	*	160 :		• •		26
6PO printing costs	***	\$6 :		12	***			323 :				43
Conteres date and parrell services				-: !		!				2 3	.,.	
Distributes Assinistrative Support		11						13 }		, ;	***	
General pricing level adjustment		19 :		iis	***	:		974		744		1,18
Butidings Maintenance		i						921				92
full-field investigations				14		;		105		29		15
Mational Security Laurency Preparedness						1		119				119
Restaration of Base Priv Counsel/Deat Collection				;				1,499				1.699
fotal, mandatory increases.	******	453 ;		740 :		1,121		7,755 :		4,540		14.415
becresses		;		}		!	***	(2,748)				12,718
Total, adjustments to base		493 :		778 ;		1,126 ;	(66)	1,426 :		4,441	(66)	1.00
1990 base	56	6,246 :		7,555		3,556	413	41,075 :		\$5,135	1.059	14.563
Progres Changes					•••				• • •			,
		- 1		- 1		- :		- :		- :		
Staff and related essenses			(4)	(170)			19 (10)	4,000 ; (137),	16	1,066	\$1 (16)	4,494
Total, Program changes		0 1	(6)	(170):		0;		1.161		1.066 :	21	4,762
1990 estimate	54	6,266 1	47	7,368 :	42	3,554 ;	422	45,936 :	443	36,199 :	1,088	44, 525

GENERAL ADMINISTRATION. SALARIES AND EXPENSES (Dollars in thousands)

				-	erm. Od.	Amount	
1988 obligations	• • • • • • •		• • • • • •	. 1	,216	\$92,626	
1989 as enacted	•••••		• • • • • •	. 1	,216	88,360	
Adjustment in permanent positions. Transfers to and from other account			• • • • • •	•	-25		
Transfer to the Office of Inspection of Transfer to the Office of Profes	ctor Gen	eral	• • • • • •	•	-88	-2,798	
Responsibility pursuant to P.1		04	• • • • • • •	•	20	333	
1989 appropriation anticipated		• • • • • • • • • •	• • • • • •	. 1	, 123	85,895	
Transfers to and from other accounts Transfer of financial operations of to using customers	service	nel	• • • • • • •	•	-65	-3,429	
Security Emergency Preparedness			• • • • • •	•	1	80	
Mandatory Increases (see p. 12)	••••	•••••	• • • • • •	•	•••	14,815	
Office of Inspector General					•••	-2,798	
1990 base	• • • • • • • • •		• • • • • • •	. :	L,059	94,563	
Program changes (detailed below).	• • • • • • • •		• • • • • •		21	4.762	
1990 estimate	• • • • • • •	•••••	•••••	• :	1,080	99,325	
	1990) Perm	Doge	1990 Perm	Estimate	Inc.	/Dec.	_
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos.	Amount	
Program direction and policy coordination:							
a. Department Leadership	56	\$6,266	56	\$6,266			
b. Executive Support	71	7,538	67	7,368	-4	-\$170	
c. Intelligence Policy & Prof. Review	42	2 484	42	2 884			
d. Justice Management	42	3,554	42	3,554	• • • •	•••	
Division	<u>413</u> 582	42.070 59,428	<u>422</u> 587	<u>45.938</u> 63,126	_ <u>9</u>	<u>3,868</u> 3,698	

GENERAL ADMINISTRATION, SALARIES AND EXPENSES

Comparison by activity and program	1990 Perm Pos.	Base	1990 Perm Pos.	<u>Petimete</u> <u>Amount</u>	Inc./ Perm Pos.	Dec.
2. Administrative Review and Appeals	477	\$ <u>35.135</u>	493			\$1.064
Total	1,059	94,563	1,080	99,325	21	4,762
Program Changes				-	erm. Off.	Amount
Executive Support			••		-4	-\$170
Reductions totalling 4 positions requested for the Offices of Pub Lagislative Affairs as a Departm staffing levels with anticipated new administration.	lic Aff ent ini	airs and tistive t	o align			
Justice Management Division	• • • • • • •		••		19	4,000
Increases of 19 positions and \$4 for the Justice Management Division these resources are required for Private Counsel for Debt Collect (13 positions, and \$3.5 million). President's commission in conductative of appropriate means to ful castastrophic nuclear accidents \$500,000).	ion. S the co ion ini , and t ting a lly com	pecifical ntinuation tiative o support comprehen pensate v	ly, n of the the sive ictims			
Administrative Review and Appeals	• • • • • •	•••••	•••	:	16	1,064
An increase of 16 positions and for the Office of the Chief Admin (OCAHO) within the Escutive Office was eithe Immigration Reform and Contrasections 101 and 102 that require judges to adjudicate cases. The continue the implementation of the Hearing Officer function, adjudic projected matters and cases, and offices.	nistratice for stablical Act, ad Admin se rescond Chiescate cur	ive Hearing Tamigration in the pursuance of the pursuance of the pursuance of Administration and the pursuance of Administration and the pursuance of the pursu	ng Officion want to ally a law needed trative	to		
Savings from management and productiv	vity im	provemente	B	-1	ro	-132
A decrease of 10 positions and \$1 Justice Management Division and 1 contracts with the private sector	represe					
Total program changes, General Admini	istrati	on			21	4,762

OFFICE OF INSPECTOR GENERAL, SALARIES AND EXPENSES (Dollars in thousands)

,	_	
1000 oklimbiom	Perm. Pos.	Amount
1988 obligations	•••	• • •
1989 as enacted	•••	•••
Transfer to the Office of Inspector General	276	\$9,049
1989 appropriation anticipated	276	9,049
Mandatory increases (see p. 8)	•••	10,851
Decrease for annualization of transfer to General		
Administration	***	999
1990 base	276	18,901
Program changes (detailed below)	_14	532
1990 estimate	290	19,433

		D56			Inc./Dec.		
Comparison by activity and progress	Pezm. Ros	Amount	Perm.	Amount	Perm.	Amount	
1. Office of Inspector General	276	\$18,901	290	\$19,433	14	\$532	

Program changes	Perm. Pos.	Amount
Office of Inspector General (OIG)	14	\$532

This program increase is requested to support the executive management and administration activities required for the OIG. Although the Inspector General Act of 1978, as amended, provides for the appointment of an Inspector General and two Ameliatant Inspectors General, and the Amendments of 1988 set the Inspector General's salary level at Executive Level IV, no resources were provided to the Department for these positions. In addition, resources for other senior management and administrative activities were not provided. The Inspector General will require these resources to manage the initial organizational activities as well as the ongoing functions of the OIG.

OFFICE OF INSPECTOR GENERAL, SALARIES AND EXPENSES

Transfers:	Perm. Pos.	1989 Amount	1990 Amount
Into OIG			
General Administration	88	\$2,798	\$5, 596
United States Marshals Service	41	1,271	2,543
Drug Enforcement Administration	14	550	1,100
Immigration & Naturalization Service	135	4,177	8,354
Bureau of Prisons	_18	586	_1,172
Subtotal	296	9,382	18,765
From OIG after 90 days			
Office of Professional Responsibility	=20	333	-1.332
Total transfers	276	9,049	17,433

U.S. PAROLE COMMISSION, SALARIES AND EXPENSES (Dollars in thousands)

	Porm.	Amount
1988 obligations	179	\$11,505
1989 as enacted	161	10,893
Transfer from General Administration for financial operations service	•••	64
Mandatory increases (see p. 8)		248
1990 base	161	11,205
Program changes (detailed below)	-30	<u>-870</u>
1990 estimate	131	10,335

	1990 F		1990 F	stimate	Inc./Dec.		
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos	Amount	
1. U.S. Parole Commission	161	\$11,205	131	\$10,335	-30	-\$870	

	Perm.	
Program changes	Pos.	Amount
U.S. Parole Commission	-30	-\$870

As a result of the Sentencing Commission Guidelines, which were effective November 1, 1987, and the associated decrease in the number of parole hearings, the 1990 request includes a program reduction of 30 positions and \$1,070,000. It is anticipated that the total number of hearings will decrease by nearly 12,400 from 1989 to 1990. This decrease in personnel and related costs is a continuation of the Parole Commission's phase-down which is expected to be completed by the end of 1992, as required by the Comprehensive Crime Control Act of 1984.

The 1990 reduction is partially offset by a program increase of \$200,000 to reimburse the Bureau of Prisons for five examiner/analyst positions.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES Analysis of an Increase of \$48,395 thousand (Dollars in thousands)

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			DIVISIO			CRIMINAL IDIVISION		3 4	INDE E	MATURAL ES DIV.
	Pos.	Anount	Pos.	Anount	Pos.	Amount	Pos.	Asount	Pos.	Ascust
1988 obligations	49	\$4,160	621	\$37,416	769	\$50,044	881	\$82,745	349	\$26,489
Department of Justice Appropriation Act. 1989	49	4,181	621	37,543	769	51,830	881	84,400	349	26,456
1989 supplemental (Ants-Drug Abuse Act of 1968)				***	19	1.000	<u> </u>		<u></u>	
1989 as enacted	49	4,181	621	37,543	788	52,830	841	84,400	349	26,456
Adjustments to permanent positions	•••	•••		•••	(19)		· · · ·	•••	i	***
1989 Program supplemental requested	•••						<u></u>		<u></u>	
1989 appropriation anticipated	49	4,181	621	37,543	769	52,830	681	84,400	349	26,456
1990 estimate	49	4.485	646	42,000	771	56,434	949	99,010	386	37,721
Change 1990 from 1989	0	304	25	4,537	2	3,604	64	14,610	37	11,265
Adjustments to base			;		1		!		!	
Transfers to and from other accounts	•••	12		(980)		(544)				158
Adjustments in permanent positions	•••	•••	1		1 19	۰	i	•••		•••
Mandatory increases:					:	311	1		1	
Annualization of Anti-Drug Abuse Act supplemental Annualization of Civil Laborties Act supplemental			1							
1989 Full-year pay increase impact on 1990		120	1	1,710		1,761	1	1,944	f	1,607
Special salary rates	•••	'11		. 36				263		:::
Within-grade increases	***		1	175 120		211 262		244 291		155 157
GGA Rent		38		1,260				345		185
GGA recurring relabursable services							i			- 1
Federal Telecommunications System (FTS)	•••	12	1	140	1	182	1	147		43
Telephone Service	•••		1	237		318		416		254
GPO printing costs	•••	30				1		. 1		•
Employee data and payroll services	•••					7		10		
Distributed Administrative Support	•••			•••		•••				•••
General pricing level adjustment				87						510
Pull-field investigations	***			20			1	59	i	21
Security reinvestigations		2		15		51		45		16
Office automation maintenance	•••	•••		•••		•••		•••		696
Other	•••									•••
Total mandatory increases	0	292		4,008	1	4,021	i	4,926	1	3,697
Decreases	•	0		0		0		0		•
Total, adjustments to base	0	104		3,028		3,477		5,065 89,485		3,855
1990 base	49	4,485	607	40,571	780	56, 307	1 681	87,483	347	30,311
Program changes			1		!		:		! !	
Staff and related expenses	٥	0	39	1,509	(14)	248 (121)		9,555 (30)		7,511 (101)
Total, program changes	0	0	39	1,509	(9)	127	64	9,525	37	7,410
1990 estimate	49	4,445	646	42.000	771	56,434	949	99,010	386	37,721
Change 1990 from 1989		304	25	4,537	2	3,604	4	14,610	37	11,265

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SALARIES AND EXPENSES, ORIGINAL LEGAL ACTIVITIES Analysis Analysis of an Increase of \$48,395 thousand (Dollars in thousands)

** ** ***

	OFFICE LEGAL C		CIVIL I		DITTERS (USHCB		LEGAL ACTIV.			TOTA	L
	Pos.	Ancunt	Pos.	Amount	Pos.	Ascunt	Anount	Pos.	Amount	Pos.	Ascust
1988 obligations	35	\$2,629	400	\$25,835	44	\$3,735	\$4,108	30	\$2,052	3,178	\$239,818
Department of Justice Appropriation Act, 1389	35	2,590	400	25,656	. 4	3,548	4,726	>0	2,064	3,178	242,994
1989 supplemental (Anti-Drug Abuse Act of 1988)				•••	25	800			***	45	1,800
1989 as enacted	35	2,590	400	25,656	70	4.348	4,726	30	2,064	3,223	244,794
Adjustments to permanent positions		•••			ļ	•••			•••	(19)	0
1989 Prugnam supplemental requested			25	2,100		•••				25	2,100
1989 appropriation anticipated	35	2,590	425	27,756	70	4,348	4,726	30	2,064	3,229	246,894
1990 estimate	39	2,828	465	32,180	79	5,751	12,160	33	2.640	3,417	295,289
Change 1990 from 1989	4	238	40	4,424	,	1,40)	7,434		576	188	48,395
Adjustments to base					 					!	
Transfers to and from other accounts				135		16				(22)	(1,035)
Adjustments in permanent positions	•••	•••	•••	•••		***	!	•••		1 19	0
Handstory increases:					i	į.		1		1	
Annualization of Anti-Drug Abuse Act supplemental		•••		:::		•			•••		311
Annualization of Civil Liberties Act supplemental 1989 Full-year pay increase impact on 1990	•••	49		484 1.134		161			190		464
Special salary rates	•••	47		1,100		101			190		8,666 608
Vithin-grade increases				112		14			ü		969
Health Benefits	•••	12		134		14			7		1,210
GSA Rent	•••	•••	•••	301		240	1		123		2,909
GSA recurring reimbursable services	•••	•••		1		••• !		•••	•••		10
Federal Telecommunications System (FTS) Telephone Service	• • • •	19		79 198		36		•••	•••		650
GPO printing costs	•••	27		170		7		•••			1,516
Employee data and payroll services		i		•		i		•••			37
Foreign Allowances	***							•••			44
Distributed Administrative Support	•••	1		•••		1	1			,	6
General pricing level adjustment	•••	4.5		50	•••	28		***	89		2,171
Full-field investigations	•••	4 1	***	16 1 12 1	•••	5 1		***	1		196 149
Office autometics maintenance	•••	20		800				•••	40		6,782
Other	•••					61					61
Total, mandatory increases		120		3,317	0	566 1		0	446		26,829
Decreases	0	٥	0	٥	0	(48)	(3,649):	٥	٥	0	(3,697)
Total, adjustments to base	0	128 1	0	3,452 1	0	534 1	1,748 (ó	446	(3)	22,097
1990 base	35	2,718	425	31,208	70	4,892	6,474 ;	30	2,550	3,226	268,991
Program changes		i		i		i	į				
Staff and related expenses	4	110	41 (1)	981 (9) (870 j (1) i		3	90]		26,560 (262)
Total, program changes	4	110 1	40	972 1	,	869 1	5,686 1	3	90 ;	191	26,298
1990 estimate	39	2,828 1	465	32,180	79	5,751 1	12,160 (33	2,640 1	3,417	295,289
Change 1990 from 1989		238 1	40	4,424 1	•	1.40) [7,434 1		576 1	188	48,395

Hote: 1988 obligations total includes \$605,000 obligated by the Independent Counsel.

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SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES (Dollars in thousands)

1988 obligations	Perm. Pos. 3,178	Amount \$239,818
Department of Justice Appropriations Act, 1989	3,178	242,994
1989 supplemental (Anti-Drug Abuse Act of 1988)	45	1,800
1989 as enacted	3,223	244,794
Adjustment in permanent positions	-19	•••
of Civil Liberties Act of 1988	25	2,100
1989 appropriation anticipated	3,229	246,894
Transfers to and from other accounts: Transfer from General Administration for financial		
operations service* Transfer to Organized Crime Drug Enforcement* Transfer from the Criminal Division to U.S. Attorneys	-20	889 -1,803
for criminal fines collection	-1	-41
Emergency Preparedness	-1	-80
Adjustments in permanent positions	19	•••
Mandatory increases (see p. 18)	•••	26,829
Decreases:		
Nonrecurring costs for office automation leases ***Monrecurring costs of Anti-Drug Abuse Act resources	• • •	-3,649 -48
indiagonizing cooks of falor programs into resources iiii		
199ő base	3,226	268,991
Program changes (detailed below)	191	26,298
1990 estimate	3,417	295,289

^{*} Resources will be reimbursed to the Criminal and Tax Divisions in 1990 from the Organized Crime Drug Enforcement appropriation. This transfer is required by P.L. 100-690, Title I, Section 1055.

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		1990 Perm	Bose	1990 Perm	Estimate	Inc./	Dec
Con	parison by activity and program	Pos.	Amount	Post	Amount	Pos.	Amount
1.	Conduct of Supreme Court pro- ceedings and review of appellate matters	49	\$4,485	49	\$4,485	•••	•••
2.	General tax matters: Federal appellate activity Criminal tax prosecution Civil tax litigation activity Organized crime drug enforcement	95 110 311	6,104 7,209 21,899	98 110 339	6,268 7,209 23,010	3 28	\$164 1,111
	Management and administration Subtotal	<u>91</u> 607	5,359 40,571	99 646	5,593 42,080	8 39	234 1,509
3.	Criminal matters: Federal appellate activity Organized crime prosecution. Public integrity (corruption) Fraud Narcotic and dangerous drug prosecution Internal security General litigation and legal advice Office of special investiga- tions Prosecution support Organized crime drug enforcement National Charactive Enforcement	28 255 34 80 35 30 46 47 124	2,139 18,480 2,643 6,229 2,544 2,307 3,510 3,793 7,773	28 252 34 79 35 30 46 45 125	2,139 18,454 2,643 6,220 2,544 2,307 3,510 3,776 7,874	 -3 -1 	-26 9
	National Obscenity Enforcement Unit	19 <u>82</u> 780	1,471 <u>5,418</u> 56,307	20 27 771	1,592 <u>5,375</u> 56,434		121 -43 127

^{1/} Resources totaling \$1,141,000 to fund 14 positions for Organized Crime Drug Enforcement are transferred to the Organized Crime Drug Enforcement appropriation, as required by P.L. 100-690, Title I, Section 1055.

^{2/} Resources totaling \$(62,000 to fund 6 positions for Organized Crime Drug Enforcement are transferred to the Organized Crime Drug Enforcement appropriation, as required by P.L. 100-690, Title I, Section 1055.

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		Dome_	1990 Peri	<u>Patimate</u>	Inc./Dec.		
Comparison by activity and program	Perm. Post.	Amount	Post		Pos	······································	
4. Claims, customs, and general civil matters:							
Federal appellate activity	67	\$6,095	73	\$6,322	6	\$227	
Torts litigation	210	29,205		33,524	39	4,319	
Commercial litigation	277	28,135		31,844	18	3,709	
Federal programs	151	12,590		12,583	-1	-7	
Consumer litigation	35	2,525		3,135		610	
Immigration litigation	40	4,275		4,942	6	667	
Management and administration	101	6,660		6,660	•••		
Subtotal	881	89,485		99,010	68	9,525	
5. Land, natural resources and Indian matters:							
Federal appellate activity	27	2,163	25	2,146	-2	-17	
Land acquisition	34	2,103		2,933	-2	-17	
Environmental protection	145	12,535		17,853	34	5,318	
General litigation	110	9,545		10,741	2	1,196	
Management and administration	33	3,118		4.048		930	
Subtotal	349	30,311		37,721	37	7,410	
6. Legal opinions	35	2,718	39	2,828	4	110	
7. Civil rights matters:							
Federal appellate activity	32	\$2,276	32	\$2,276		• • •	
Civil rights prosecution	45	3,217		3,217	• • •	•••	
Special litigation	35	2,856		2,856	• • •	• • •	
Voting	68	4,161		4,161	• • •	• • •	
Employment litigation	63	4,395		4,395	•••		
Coordination and review	39	2,811		2,811	•••	• • •	
Housing and civil enforcement	33	2,371		2,371	•••	•••	
Educational opportunities	31	2,229		2,229	•••	•••	
Management and administration	79	6,892		7,864	40	972	
Subtotal	425	31,208		32,180	40	972	
8. INTERPOL-USNOB	70	4,882	79	5,751	9	869	
9. Legal activities office automation	•••	6,474	•••	12,160		5,686	
10. Special counsel for discrimina-							
tion	30	2,550	33	2,640	3	90	
TOTAL	3,226	268,991	3,417	295,289	191	26,298	

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SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Progrem Changes	Perm. Pos	Amount
General tax matters	39	\$1,509
The Tax Division requests 1990 program enhancements totaling 39 positions, 21 workyears and \$1,509,000. The Division requires 28 positions, 15 workyears and \$1,111,000 for workload generated by tax reform and expanded Internal Revenue Service (IRS) enforcement efforts, including increased emphasis on large dollar, document intensive cases. In addition, 3 positions, 2 workyears and \$164,000 are requested to address and manage increased Federal Appellate workload generated by the recently implemented IRS tax enforcement initiative. In order to effectively implement, administer and assess the Division's participation in Project Eagle, the consolidated office automation project, 8 positions, 4 workyears and \$234,000 is required.		
Criminal matters	-9	127
The Criminal Division is seeking total program increases of 5 positions, 3 workyears and \$248,000. The Office of International Affairs requires 3 positions, 2 workyears and \$118,000 to process increasing numbers of requests for foreign legal assistance and foreign extradition. In addition, 2 positions, 1 workyear and \$130,000 is requested to staff regional obscenity unit positions needed to meet commitments to co-coursel cases in litigation, head up Federal/State task forces and support obscenity investigations conducted by other Federal agencies. Offsetting these increases are reductions amounting to 14 positions, 14 workyears and \$121,000 which will accrue as contractual services are implemented to replace functions currently carried out by Federal employees. The net change from 1990 base level for the Criminal Division is -9 positions, -11 workyears and \$127,000.		
Claims, customs, and general civil matters	68	9,525
The Civil Division requests program increases totalling 71 poritions and \$3,266,000 to handle workload growth and \$6,289,000 to provide the Automated Litigation Support (ALS essential to the government's success in large document cases. In Federal Appellate Activity, an increase of 6 positions and \$227,000 is needed to litigate last-chance, high-stakes cases in the courts of appeals. In Turts Litigation, an increase of 40 positions and \$1,661,000 is required to defend growing toxic torts and radiation claims and claims arising from the National Childhood Vaccine Act. Also required is \$2,669,000 for ALS in high-stakes toxic)	

Program Changes

Post.

Amount

tort, radiation, admiralty and aviation cases. In Commercial Litigation, an enhancement of 19 positions and \$1,145,000 is required to handle increased contract claims and fraud cases. Also required is \$2,576,000 for ALS in the largest claims Court, fraud and bankruptcy cases. In Commercial Litigation, an increase of \$610,000 for ALS is needed to bring major document intensive staroid and other Food and Drug Administration cases to trial. In Damigration Litigation, an increase of 6 positions and \$233,000 is required to file civil actions against employers who hire illegal aliens and to defend the employer sanctions provisions under IRCA and to represent the public's interest in litigation to exclude and deport aliens involved in terrorism. Additionally, \$434,000 is required for ALS in the Mariel Cuban reviews. Offsetting these increases as reductions amounting to 3 positions, 3 workyears and \$30,000 reductions amounting to 3 positions, 3 workyears and \$30,000 which will accrue as contractual services are implemented to replace functions currently carried out by Federal employees. The net change from the 1990 base level for the Civil Division is 68 positions, 34 workyears and \$9,525,000.

Land, natural rescurces, and Indian matters.....

\$7,410

A program increase of 49 positions, 26 workyears and \$7,511,000 is requested to parmit the Division to increase its environmental law enforcement activities. For the Environmental law enforcement activities. For the Environmental Protection program, enhancements of 37 positions, 19 workyears and \$5,343,000 are needed to address the expected increase in environmental enforcement activities due to the reauthorization of, or emendment to, the Clean Mater Act, the Clean Air Act and the Resource Conservation and Recovery Act. Included in this amount is \$4,000,000 for automated litigation support. Increases of 6 positions, 4 workyears and \$1,238,000 in the Division's General Litigation program will address increased litigative responsibilities associated with enforcement of the provisions of the National Forest Management Act, as well as oversight responsibilities for the Navy's homeoporting initiative. Included in this increase is \$750,000 for automated litigation support. Enhancements totaling 6 positions, 3 workyears and \$130,000 will allow the Division to provide adequate administrative support to its litigating programs. Finally, the Division requests an increase of \$800,000 to purchase and install a new case tracking system to replace the costly and obsolete system now in use. The Division will, of course, continue to provide summary data to the Department's case tracking system. Offsetting these increases are reductions amounting to 12 positions, 12 workyears and \$101,000 which will accrue as contractual services are implemented to replace functions currently carried cut by Federal employees. The net change from the 1990 base level for

Program Changes	Perm. Pos.	Amount
the Land and Natural Resources Division is 37 positions, 14 workyears and \$7,410,000.		
Legal opinions	4	\$110
A program increase of 4 positions, 3 workyears and \$110,000 is requested to parmit the Office of Legal Coursel to handle increasing workload demands for legal advice and opinions. In addition, the Office will continue its project to prepare for publication its most noteworthy legal opinions.		
Civil rights matters	40	972
The Civil Rights Division is seeking program enhancements of 41 positions, 21 workywars and \$981,000 necessary for administration of the Civil Liberties Act of 1988 (Public Lew 100-383). Under the provisions of this Act, Japanese Americans who were deprived of their property and liberty and interned in camps during World War II are eligible to receive redress payments of \$20,000. The estimated 60,000 eligible individuals must be identified and located before payments begin. Offsetting this increase are reductions amounting to one position, one workyear and \$9,000 which will accrue as contractual services are implemented to replace functions currently carries out by Federal employees. The net change from the 1990 hase level for the Civil Rights Division is 40 positions, 20 workyears and \$972,000.	1,	
INTERPOL-USINGB	9	869

The 1990 request for the United States National Central Bureau of INTERPOL consists of rescurce enhancements in two areas, staffing for current operations and telecommunications improvements. One position and \$23,000 are requested to enhance the International Nantad Notice Program. Five positions and \$60,000 are needed to establish a compliance/internal audit unit to ensure that INTERPOL and Departmental internal controls are enforced. To address increased message and case processing resulting from expanding domestic and Caribbean activity, two positions and \$20,000 is requested. Finally, a telecommunications specialist and \$767,000 is requested for upgrading telecommunications systems and contracts, and to provide systems administration and oversight. Offsetting these increases is a reduction of \$1,000 which will accrue as contractual services are implemented to replace functions curently carried out by Federal employees. The net change from the 1990 base for INTERPOL-USNCB is 9 positions, 5 workyears and \$869,000.

Progress Changes	Perm. Ros.	Amount
Legal activities office automation	•••	\$5,686
A program increase of \$5,606,000 is needed to fund office automation enhancements in the Tex and Criminal Divisions offices of the U.S. Attorneys. These organisations are participating in a joint office automation acquisition that includes a planned nationaide naturals of approximately 12,00 office terminals.	t	·
Special counsel for discrimination	3	\$90
A program increase of 3 positions, 2 workyears and \$90,000 is sought to allow the Special Counsel to meet expending workload demands and to ensure enforcement of the antidiscrimination provision of Section 102 of the Immigration Reform and Control Act of 1986.		
•		***************************************
Total program changes, General Legal Activities	191	26,298

SALARIES AND EXPENSES. ANTITREST DIVISION (Dollars in thousands)

					erm.	Amo	unt
1988 obligations	• • • • •	• • • • • • • •	• • • • •	••	649	845,	216
1989 as enacted	••••	• • • • • • • • • •			549	44,	937
Transfer from the General Administra financial operations service	ition	appropria	tion	for	•••		165
Mandatory increases (see p. 8)		• • • • • • • • •		••	• • •	2,	167
1990 base		• • • • • • • • •			549	47,	269
Program changes (detailed below)					-5		-47
1990 estimate					544	47,	222
Comparison by activity and program	Per	PO Bose rm. Amount	Per	O Esti m. Amoun		Perm	/Dec.
Enforcement of Antitrust and kindred laws:							
 Federul Appellate Activity Termination and prevention of 	16	\$1,263	16	\$1,26	33	•••	•
private cartel behavior 3. Preservation of competitive	215	17,249	210	17,20	2	-5	-47
market structure	157	17,159	157	17,15	9	• • •	•••
training	60	4,848	60	4,84	8		
5. Competition Advocacy	34	2,553	34	2,55	3	• • •	• • • •
6. Management and Administration	_67	4.197	_67	4.19		444	
TOTAL	549	47,269	544	47,22	2	-5	-47
Program Changes					rm.	Amou	nt
Termination and Prevention of Private C	artel	Behavior		-5		-\$4	7

A reduction of 5 positions and \$47,000 is requested for the A-76 initiative to convert functions currently performed by government employees to contract services.

SALARIES AND EXPENSES, ANTITRUST DIVISION (Dollars in thousands)

	Perm.	Amount
Proposed transfer from Interstate Commerce Commission	 20	81,473

The administration is proposing legislation to terminate the Interstate Commerce Commission and to complete deregulation of the motor carrier, freight forwarder, and water carrier industries. Remaining rail-related activities would be transferred to the Departments of Justice and Transportation. The Justice Department will assume responsibility for reviewing applications for rail-related margers, consolidations, and acquisitions. Funds in the amount of \$1,473,000, 20 workyears and 20 authorized positions are proposed for transfer to the Division in the event this legislation passes.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTIEMENT COMMISSION (Dollars in thousands)

				Porm.	Amour
1988 obligations	•••••	• • • • • • • • •		9	\$427
1989 as enacted	•••••			7	472
Transfer from General Administrat operations service.	•••••	••••••	• • • • • • • • • • • • • • • • • • • •	•••	7
Mandatory increases (see p. 8)	• • • • • • • •	•••••	• • • • • •	•••	10
Decreases: Nonrecurring costs of benefits	for form	mer employ	/005	***	-42
1990 base	• • • • • • •		• • • • • •	7	440
Program changes	• • • • • • •	• • • • • • • •		***	***
1990 estimate	• • • • • • •	• • • • • • • •	• • • • • • •	7	440
Comparison by activity and program	1990 Parm Pos.	Base Amount	1990 Perm Pos.	Estimate Amount	Inc./Dec. Perm Post. Amount
1. Adjudication of international					

SALARIES AND EXCENSES, UNITED STATES AUTORNEYS (Dollars in thousands)

	Porm.	Amount
1988 obligations	5,958	\$380,028
Department of Justice Appropriations Act, 1989	5,958	391,212
1989 supplemental (Anti-Drug Abuse Act of 1988)	940	39,000
1989 as enacted	6,898	430,212
Adjustments in permanent positions Transfer from Assets Forfeiture Fund	-168	30.000
1989 appropriation anticipated	6,730	460,212
Transfers to and from other accounts: Transfer to Organized Crime Drug Enforcement* Transfer from General Legal Activities (Criminal Division) for criminal fines collection Transfer from General Administration for financial	-669 1	-45,788 41
operations service	•••	1,667
Adjustments in permanent positions	146	•••
Mandatory increases (see p. 8)	***	33.133
1990 base	6,208	449,265
Program changes (detailed below)	103	5.014
1990 estimate	6,105	454,279

Resources will be reimbursed to U.S. Attorneys in 1990 from the Organized Crime Drug Enforcement Appropriation. This transfer is required by P.L. 100-690, Title I, Section 1055.

		1990	Bose	1990	Estimate	Inc./	Dec.
200	parison by activity and program	Perm Pos.	Amount .	Perm Post	Amount	Perm Pos.	Amount
1.	United States Attorneys	•					
	Criminal litigation	4,017	\$293,152	3,931	\$292,421	-86	-\$731
	Civil litigation	2,018	135,189	1,982	134,884	-36	-305
	Legal education	25	3,700	24	3,689	-1	-11

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

	1990	Base	1990	Estimate	Inc.	/Dec.
Comparison by activity and program	Perm Post	Amount	Perm Rosa	Amount	Porm Pos.	Amount
Organized Crime Drug Enforcement1/	•••	•••	•••	•••	•••	•••
Management and administration.	148	\$17,224	168	\$18,285	20	\$1,061
Debt collection	***		***	5.000	***	5,000
TOTAL	6,208	449,265	6,105	454,279	-103	5,014
appropriation as required by P.L.	100-69	00, Title	I, Šec	tion 1055	s. 	
rogram Changes				Paz Ros		Amount
fanagement and Administration	• • • • • •		• • • • • •		25	\$1,105
These additional administrative and systems personnal will oversee the of the Project Eagle office automat on an ongoing basis, its effectives	develop	ment and	install	lation		
avings from management and productiv	ity imp	covemente		1	28	-1,091

This decrease affects reductions to the following programs: Criminal Litigation (86 positions and workyears, and \$731,000); Civil Litigation (36 positions and workyears, and \$305,000); Legal Education (1 position and workyear, and \$11,000); and Management and Administration (5 positions and workyears, and \$44,000). This reduction represents anticipated savings from contracts with the private sector in furtherance of the Administration's A-76 initiative.

SALARTES AND EXPENSES, UNITED STATES ATTORNEYS

Program Changes	Porm.	Amount
Debt collection	•••	\$5,000
The \$5,000,000 increase will be used exclusively to collect millions of dollars of debts owed to the Government. This enhancement will provide resources to pay for non-personnel costs resulting from debt collection activities, such as training, title searches and auctioneer fees, thereby eliminating choices between debt collection work and other litigation. These resources will greatly improve the effectiveness of Department's debt collection program and provide substantial returns to the Treasury.		
Total program changes, U.S. Attorneys	-103	5,014

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE (Dollars in thousands)

	Perm. Pos.	Amount
1988 obligations	2,864	\$185,079
Department of Justice Appropriation Act, 1989	2,864	190,000
1989 Supplemental (Anti-Drug Abuse Act of 1988)	124	16,400
1989 as enacted	2,988	206,400
Transfer to the Office of Inspector General	41	-1.271
1989 appropriation anticipated	2,947	205,129
Transfers to and from other accounts: Transfer to Organized Crime Drug Enforcement* Transfer from General Administration for financial	-13	-1,014
operations service	•••	710
Mandatory increases (see p. 8)	•••	17,630
Decreases: Federal Employees' Compensation Act	•••	-17
Inspector General	•••	-1,272
1990 base	2,934	221,166
Program changes (detailed below)	166	7.680
1990 estimate	3,100	228,846

^{*} Resources will be reimbursed to USMS in 1990 from the Organized Crime Drug Enforcement appropriation. This transfer is required by P.L. 100-690, Title I, Section 1055.

		1990 Perm	Base	1990 Farm	Estimate	Inc./	Dec.
COR	parison by activity and program	Post	Amount	Post	Amount	Post	Amount
1.	Witness security	333	\$30,601	333	\$30,601	•••	•••
2.	Fugitive investigations and court orders	555	44,762	555	44,762	•••	•••
3.	Judicial security	513	39,645	596	44,345	83	\$4,700
4.	ADP and telecommunications	8	9,166	8	10,066	•••	900
5.	Field support and training	168	6,588	168	6,588	•••	•••

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SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

	1990 Perm	Page	1990 Perm	Estimate	Inc./	Dec.
Comparison by activity and program	POG.	Amount	Pos.	Amount	Pos.	Amount
6. Handling of Federal prisoners	973	\$66,753	1,056	\$68,833	83	\$2,080
7. Organized Crime Drug Enforcement ¹	•••	•••	•••	•••	•••	•••
8. D.C. Superior Court	108	4,828	108	4,828	•••	•••
9. Seized assets management	201	. 11,746	201	11,746	•••	•••
10. Management and administration	75	7,077	75	7,077	•••	•••
TOTAL	2,934	221,166	3,100	228,846	166	7,680

Program Changes	Pos.	Amount
Tudials Committee	63	44 700

The requested program increase of 83 positions, 42 workyears and \$4,700,000 provides 68 Deputy U.S. Marshal positions, 34 workyears and \$1,700,000 to meet increased requirements for judicial security in the districts, including a 15 percent projected increase from 1989 to 1990 in civil and criminal trial bench hours and a 25 percent increase in protective service details performed. The request also provides 15 Deputy U.S. Marshal positions, 8 workyears and \$500,000 to create three Special Operations Group (803) teams to provide security for high threat trials; and \$2,500,000 to augment the Special Assignments Reserve, providing funding (including overtime, traval and per diem costs) for additional staffing at trials where the host district staff is not large enough to handle an unusual, high-threat situation.

The requested program increase of \$900,000 provides funds for the automation of prisoner transportation scheduling activities; the development of a centralized database, purchase of hardware and development of procedures for a Defendant Based Tracking System at the district level; and the expansion of the Warrant Information Network's (WIN) central processing capability.

¹Resources totaling \$1,014,000 to fund 13 positions for Organized Crime Drug Enforcement are transferred to the Organized Crime Drug Enforcement appropriation as required by P.L. 100-690, Title I, Section 1055.

SALARIES AND EXCENSES, UNITED STATES MARSHALS SERVICE

Program Changes	Pos.	Amount
Handling of Federal Prisoners	83	\$2,080
The requested net program increase of 83 positions, 41 workyears and \$2,100,000 provides 54 Deputy U.S. Marsh positions, 27 workyears and \$1,380,000 to meet increased workload in prisoner productions, which are projected to rise 25 percent from 443,700 in 1989 to 554,400 in 1990; 24 positions, including 6 Deputy U.S. Marshals, 8 pilots, 10 detention officers, 12 workyears and \$600,000 to providedicated flight crows for the National Prisoner Transport System's (NPTS) air operations; and 5 positions, 2 workyes \$100,000 to manage an expanding Cooperative Agreement Prowhich includes CAP negotiations and mearch, project inspections, processing of reinbursements and performing joint planning for detention facilities with the Bureau of Prisons and the Immigration and Naturalization Service.	and de tation ars and gram (CAP),	
This net progrem increase includes a reduction of 3 positions of 3 positions and \$23,000 due to A-76 management and product savings that will be realized through continued improvement in prisoner transportation scheduling.	civity	
Total program changes, U.S. Marshals Service	166	7,680

SUPPORT OF U.S. PRISONERS

1988 cbligations	non-Federal institutions 2. Codperative Agreement Program.	• • •	•••	•••	15,000 147,034	• • •	• • •
1988 cbligations	non-Federal institutions	***				•••	\$28,38 15,00
1988 obligations		•••	\$103,648	•••	\$132,034	•••	\$28,38
1988 obligations							
1988 obligations	Comparison by activity and process	Perm		17000	a	Perm	1
1988 obligations	1990 estimate	•••••					
1988 obligations	Program changes (detailed below)	• • • • • • •	• • • • • • • • •	••••	***	-	43.386
1988 obligations	1990 base	•••••		••••	• • •	ī	03,648
1988 cbligations	Nonrecurring costs for Cooperati	ve Agre	ement Prog	press	•••		-9,100
1988 obligations	Mandatory increases (see p. 8)	• • • • • • •		•••••	•••		2,648
1988 obligations	1989 as enacted	• • • • • • •		•••••	•••	1	10,100
1988 obligations	1989 Supplemental (Anti-Drug Abuse A	ct of 1	988)	••••	***	_	16,400
	Department of Justice Appropriation	Act, 19	89	••••	•••		93,700
							Amount 195,685

This requested progress increase will fund an increased number of contract jail days, compensate for a higher jail day rate, and meet increased medical care and quard service costs. Approximately 2,794,500 jail days are projected for 1990, an increase of 15 percent over the 2,430,000 days currently projected for 1989 and an increase of 35 percent over the 2,070,000 days originally projected for 1989 in the 1989 President's request. In addition, the average per diem rate is projected to rise to \$43.05, a 3.6 percent increase over the currently projected 1989 rate of \$41.55.

SUPPORT OF U.S. PRISONERS

Program Changes	Pos.	Amount
Cooperative Agreement Program (CAP)	•••	\$15,000
The requested program increase will obtain an estimated 650 guaranteed bedspaces in State and local jails and will enable USHS to partially implement Phase II of a five-year Department of Justice plan to obtain sufficient guaranteed bedspace in local jails for its expanded prisoner population. The Service has tentatively targeted the following States a potential sites for 1990 CAP projects: California, Florida Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi Nebraska, North Carolina, Chio, South Carolina, South Dakot Tennessee, Virginia and Wisconsin.	5 ,	
Total program changes, Support of U.S. Prisoness	• • •	43,386

1. 1.

FEER AND EXPENSES OF WITNESSES (In thousands of dollars)

Pro	gram Changes				Perm.		Amount
	TOTAL	•••	52,418	•••	56,784	•••	4,36
4.	Private counsel	***	634	***	_2.000	***	1,36
3.	Victim compensation	•••	590	•••	590	•••	••
2.	Protection of witnesses	•••	15,120	•••	15,120	•••	••
1.	Fees and expenses of witnesses	•••	\$36,074	•••	\$39,074		\$3,00
Qam	parison by Activity and Prussan.	19:VO Perns Pos.	Base Amount	1990 Perm Pos.	Estimate Amount	Inc./ Perm Post.	Dec.
199	O estimate	•••••	• • • • • • • •	•••••	•••		56,784
P	rogram changes (detailed below)	• • • • •	·····	•••••	***		4,366
199	0 base	• • • • • •	• • • • • • • • • • •	•••••	•••		52,418
. м	andatory increases (see p. 8)	• • • • • •	• • • • • • • • • •	•••••			215
198	9 as enacted	• • • • • •	• • • • • • • • • •	• • • • • •	•••		52,203
198	8 obligations		• • • • • • • • • • • • • • • • • • • •	•••••	•••	\$	49,670
					Perm. Pos.		Amount

The additional resources will allow the Department to handle the expected increase in demands for expert witness services. In 1990, the Department will receive over 3,000 requests for expert witness services; this represents an increase of approximately 10 percent over the number of requests received in 1987. Further, the average costs associated with retaining witnesses has increased from about \$6,214 in 1986 to \$7,692 in 1988, approximately 24 percent. By 1990, the average cost per witness is projected to be approximately \$8,540.

FEES AND EXPENSES OF WITNESSES

Program Changes	Perm. Pos.	Amount
Private Counsel	•••	\$1,366
The requested program increases will also provide additional funding for the retention of private coursel. The demand for private coursel services is expected to increase through 1990, due primarily to an increase in the number of <u>Bivens</u> suits brought against government employees. Since the Congress restored federal employee protection against common law torts, the Department expects that plaintiffs will begin couching common law allegations in terms of constitutional issues.	1	
Total program changes, Fees and Expenses of Witnesses		4,336

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SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE (Dollars in thousands)

	·				Perm.		Amount
19	38 obligations	• • • • • •	•••••	•••••	118	:	\$33,790
190	39 as enacted	• • • • • •	•••••		118		27,858
7	Transfer from General Administration operations service				•••		88
1	fandatory increases (see p. 8)	• • • • • •					1.663
198	9 base	• • • • • • •			118		29,609
	Program changes	• • • • • • •	• • • • • • • • • •	••••			
198	39 estimate				118		29,609
		1990 Perm	Rase	1990 Perm	Estimate	Inc./	/Dec.
	parison by activity and program		Base		Estimate Amount		/Dec.
Con	Prevention and conciliation of community disputes:	Perm		Perm		Perm	
	Prevention and conciliation of community disputes: Technical assistance	Perm Pos.	Amount:	Perm	Amount:	Perm	
	Prevention and conciliation of community disputes: Technical assistance	Perm Pos. 6 63	Amount \$460 5,861	Perm Pos. 6 63	Amount \$460 5,861	Perm Post	Amount
	Prevention and conciliation of community disputes: Technical assistance	Perm Post. 6 63 13	\$460 5,861 1.304	Parm Ros. 6 63 13	\$460 5,861 1,304	Perm Post.	Amount
	Prevention and conciliation of community disputes: Technical assistance	Perm Post. 6 63 13	\$460 5,861 1,304	Parm Ros. 6 63 13	\$460 5,861 1,304 	Parm	Amount
1.	Prevention and conciliation of community disputes: Technical assistance	Perm Pos. 6 63	\$460 5,861 1.304	Perm Pos. 6 63	\$460 5,861 1,304	Perm Ross.	Amount
	Prevention and conciliation of community disputes: Technical assistance	Perm Post. 6 63 13	\$460 5,861 1,304	Parm Ros. 6 63 13	\$460 5,861 1,304 	Parm	Amount

At the 1990 request level, the Community Relations Service (CRS) will continue to provide assistance in preventing and resolving racial and ethnic conflicts. Areas in which the organization will require more attention in 1990 include: Asian cases, which are becoming more visible and complex; increased use of force by and against police; and increased assistance to cities in building their conflict prevention capabilities.

CRS will continue to resettle an estimated 1,000 Mariel Oubans in 1990. This activity depends on the availability of appropriate halfway houses or family sponsors. The organization has made efforts to increase its resettlement capacity by funding new halfway houses and family sponsors, and by increasing the number of clients served at each halfway house.

INDEPENDENT COUNSEL (Dollars in thousands)

Permanent Indefinite Appropriation

				Perm.	Amount
1988 obligations	• • • • • •	•••••	• • • • •	•••	\$10,080
1989 budget authority	• • • • • • •	•••••	•••••	***	7.000
1990 base	• • • • • •	•••••	••••	•••	7,000
Program changes	• • • • • •	•••••	•••••	***	-1.000
1990 estimate	• • • • • •	•••••	•••••	•••	6,000
	1990 Perm.	Base	1990 J	Catimate	Inc./Dec.
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos. Amount
1. Independent Counsel	•••	\$7,000	•••	\$6,000	\$1,000

Congress enacted a permanent indefinite appropriation to fund the expenses of Independent Counsel investigations and prosecutions in the 1988 Department of Justice Appropriation Act (P.L. 100-202). Under this appropriation, all necessary costs and expenses incurred in the pursuit of these investigations will be funded from amounts available to the Treasury. Prior to 1988, these counsel ware funded through the General Legal Activities appropriation. In 1990, it is expected that the major part of the orgoing investigations will be complete; therefore, the Department projects an estimated need for \$6 million.

CIVIL LIBERTIES FUBLIC SCUCKTION FUND (In thousands of dollars)

				Porm.	Amount
1988 obligations	• • • • • •		••••	•••	•••
1989 as enacted	• • • • • •			•••	•••
1990 base	•••••			•••	•••
1990 estimate	•••••	• • • • • • • • •	•••••	•••	\$20,000
Comparison by Activity and Program	Petra	Base Amount	Perm	Estimate Amount	Inc./Dec. Perm Tos. Amount
1. Redress payments	•••	•••	•••	\$20,000	\$20,000
Program Changes	,			Parm.	Amount
Redress payments					\$20,000

The Civil Liberties Act of 1988 (Public Law 100-383) creates a Civil Liberties Public Education Fund from which redress payments will be made to certain eligible Japanese American individuals who suffered deprivation of property and liberty after being interned in casps during World War II. Resources appropriated for this purpose to the Fund remain available until expended.

The Civil Rights Division is charged with the responsibility of identifying and locating the estimated 60,000 individuals eligible for payments. Pursuant to provisions of the Act, all eligible individuals must be identified and located before any payments are made, and payments must be made to the oldest eligible individuals first. The Division has initiated an extensive outreach effort with local and national Japanese-American organizations and veterars groups in order to identify eligible individuals as expeditiously as possible.

U.S. TRUSTEE SYSTEM FUND (Dollars in thousands)

Special Fund

	Perm.	Amount
1988 obligations	893	\$41,650
1989 as enacted	893	47,370
Transfer from General Administration for financial operations service.	•••	93
Mandatory increases (see p. 11)	***	14,361
1990 base	893	61,824
Progrem changes	_25	953
1990 estimate	918	62,777

Comparison by activity and program	Perm	Page * Amount	Perm	Estimate * Amount	Perm	/Dec. * Amount
STORY OF STREET, STREE	PROFIL	VINNOUTS	V705T	Dispositive	ASOLL	(3000)
1. Administration of cases	839	\$56,136	864	\$57,089	25	\$953
2. Management and administration	54	_5,688_	_54	_5.688	***	
TOTAL	893	61,824	918	62,777	25	953
Program Changes		***************************************	· · · · · · · · · · · · · · · · · · ·	Perm.	·	Amount
Administration of Cases	• • • • • •	• • • • • • • • • • • • • • • • • • • •		25		\$953

This program increase provides resources to allow the U.S. Trustees to continue the adjudication of ongoing cases in five newly opened offices (Macon, Georgia; Tallahassee, Florida; Jacksonville, Florida; Rockville, Maryland, and Wheeling, West Virginia). The funding used to open these offices became available, in part, because the Trustees deferred certain expenditures at the beginning of 1988 while the Department operated under several continuing resolutions.

^{*} Since these positions are funded from program revenues, they are no longer included in the Department's direct authority totals.

ASSETS FORFEITURE FIND (Dollars in thousands)

Special Fund

•				Perm. Pos.		Amount
1988 obligations	• • • • • • •	• • • • • • • • •	••••	•••		\$160,538
1989 definite budget authority 1989 permanent indefinite budget a 1989 anticipated obligations	uthorit	y		•••		75,000 <u>251,000</u> 326,000
1990 base	•••••	• • • • • • • • •	••••	•••		326,000
Program changes (detailed below)		• • • • • • • • • •	••••	***		11.729
1990 estimate	•••••	• • • • • • • • •	• • • • •	•••		337,729
	1990] Perm	Boss	1990 Perm	Estimate	Inc	./Dec.
Comparison by activity and program	Pos.	Amount	Pos	Amount	Pos	Amount
1. Definite budget authority	•••	\$ 75,000	•••	\$100,000	• • •	\$25,000
2. Permanent indefinite budget authority	***	251,000	***	237.729		-13.271
Total	•••	326,000	•••	337,729	•••	11,729
Program Changes Definite budget authority				Perm. Pos.		Amount \$25,000
Provides an increase for awards:	for info	ormation me increas				
leading to forfeitures as a resurescurces being placed on forfeit United States Attorneys.		, the				
resources being placed on forfei	tures by	•	•••			-13,271
resources being placed on forfei United States Attorneys.	ary to and advertisely within Administry, is a syments of	seize, det se or sell in the tot stration. an anticip of \$52.0 m	ain, prope al ated	ety		-13,271

ORGANIZED CRIME DRIG ENFORCEMENT (Dollars in thousands)

	•			Perm. Pos. 1/		Mount	
1988 obligations	•••••	• • • • • • • • •	••••	•••		•••	
1989 as enacted	•••••		• • • • •	•••		•••	
Transfer from other accounts	•••••	• • • • • • • • • •	• • • • •	2.732	\$20	26.876	
1990 base	•••••	• • • • • • • • • •	• • • • •	2,732	20	06,876	
Program changes (detailed below)	•••••	• • • • • • • • •	••••	94		8.045	
1990 estimate	•••••	• • • • • • • • •	••••	2,826	2:	14,921	
	1990	Page	1990 E	stimate	Inc./	Dec.	
	Petra	7	Perm 1,	/	Perm :	7	
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos.	Amount	
1. Drug Enforcement:		1	-				
Drug Enforcement Administration	n 762	\$68,366	762	\$68,366	5		
Federal Bureau of Investigation		51,589	637	51,589		•••	
Immigration and Naturalization		. •		•			
Service	• •::	. :::	94	8,045		\$8,045	
U.S. Marshals Service U.S. Customs Service		1,014 14,461	13 226	1,014 14,461		• • • •	
Bureau of Alcohol, Tobacco,	. 220	14,401	240	14,401	• • • •	•••	
and Firearms	. 135	8,612	135	8,612			
Internal Revenue Service		14,413	260	14,413		•••	
U.S. Coast Guard		830	10	830			
Subtotal	.2,043	159,285	2,137	167,330	94	8,045	
2. Prosecutions:							
U.S. Attorneys	. 669	45,788	669	45,788			
Criminal Division	. 6	662	6	662		• • •	
Tax Division		للكليلي	_14	لللبلب			
Subtotal	. 689	47,591	689	47,591	•••	•••	

^{1/} The positions reflected under this appropriation are reimbursable positions for the participating agencies.

Benefit verify of the first of the first of the second and the second of the second of the second of the first of the first of the second of t

ORGANIZED CRIME DRUG ENFORCEMENT

Program Changes	Perm.	Amount
Immigration and Naturalization Service	94	\$8,045
This increase will fund 94 reimbursable positions for the Immigration and Naturalization Service (INS). These resources will permit INS to participate more effectively in major interagency drug and organized crime investigation and to expand apprehension and expedited deportation efforts against criminal aliens. Since May 1987, INS has diverted special agent positions from its Investigations Program to the OCDE Task Force Program to assist in multi-jurisdictional trafficking investigations. The requested program increase will offset this diversion and augment the besic Investigations workload which includes enforcement objectives related to employer sanctions, the Alien Criminal Apprehension Program, and fraud cases.	•	
Total program changes, OCDE	94	8,045

NOTE: P.L. 100-690, Title I, Section 1055 reads as follows:

- (a) Appropriations and Reimbursements Procedure Beginning in fiscal year 1990, the Attorney General in his budget shall submit a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Forces. Such appropriations shall be made to the Department of Justice's Interagency Inv Enforcement Appropriations Account for the Attorney General to make reimbursements to the involved agencies as necessary.
- (b) Enhancements of field activities The appropriations and reimbursements procedure described under subsection (a) shall (1) provide for the flexibility of the Task Forces which is vital to success; (2) permit Federal law enforcement resources to be shifted in response to changing patterns of organized criminal drug activities; (3) permit the Attorney General to reallocate resources among the organizational components of the Task Forces and between regions without undue delay; and (4) ensure that the Task Forces function as a unit, without the competition for resources among the participating agencies that would undermine the overall effort.

FEDERAL HERENI OF INVESTIGATION (Dollars in thousands)

	Perm.	Amount
1988 obligations	22,456	\$1,387,845
Department of Justice Appropriation Act, 1989	22,142	1,424,100
1989 Supplemental (Anti-Drug Abuse Act of 1988)	279	15,000
1989 as enacted	22,421	1,439,100
Transfer to Organized Crime Drug Enforcement	-637	-51,589 94,247
Decreases: Nonrecurring costs for Federal Employees Compensation Act (FECA) - Workers Compensation	•••	-114
1990 base	21,784	1,481,644
Program changes (detailed below)		24,202
1990 estimate	21,634	1,505,846
# Descrimes will be rejubrated to the 207 in 1000 from the o		Outure During

^{*} Resources will be reimbursed to the FBI in 1990 from the Organized Crime Drug Enforcement appropriation. This transfer is required by P.L. 100-690, Title I, Section 1055.

·	1990 Base Perm		1990 E	stimate	Inc./Dec. Perm		
Comparison by activity and program	POR	Amount	Pos.	Amount	Pog.	Amount	
1. Criminal, security and other investigations:			•			1	
Other field programs	8,840	\$601,657	8,840	\$615,970		\$14,313	
Organized crime	1,657	105,084	1,657	105,084			
Drugs ¹	1,367	91,319	1,367	91,319			
White-collar crime	3.046			196,688			
Subtotal	14,910	994,748	14,910	1,009,061		14,313	

¹Resources totaling \$51,589,000 to fund 637 positions for Organized Crime Drug Enforcement are transferred to the Organized Crime Drug Enforcement appropriation as required by P.L. 100-690, Title I, Section 1055.

FEDERAL BUREAU OF INVESTIGATION

			1990 Estimate		nte Inc./Dec.	
Comparison by activity and program	Pos.	Amount	Pos.	Amount		Amount
2. Investigative support:						
Training	381	\$26,399	381	\$26,399	• • • • •	
Forensic services-Federal	324	22,876	324	22,876	5	• •
ADP and telecommunications	516	138,065	556	144,690	5 40	\$6,63
Records management Technical field support and	1,148	47,309	1,019	46,21	5 -129	-1,09
equipment	154	59.567	211	64.920	57	5.35
Subtotal	2,523	294,216	2,491	305,100	5 -32	10,89
3. State and local assistance: General law enforcement			•			
training	278	19,882	278	19,882	2	••
Federal	111	9,675	111	9.675	s	
Fingerprint identification	2.383		2,265			-1,00
Criminal justice data and	=,555	20,120	-,	00,10		-,
statistics services	197	9.791	197	9.79		
Subtotal	2,969	129,766				-1,00
4. Program direction:						
Executive direction and						
control	523	28,339				• •
Administrative services	859	34.575				ه.د.
Subtotal	1.382	62.914	1.382	62.914	1	
TOTAL	21,784	1,481,644	21,634	1,505,846	-150	24,20
Program Changes				Perm.		Amount
Other field programs					\$	14,313
	_		_			
This request is based on a comparequipment need and an assessment and provides funding for equipment FBI's high priority investigation	of the t nt in sup	hreat impo	sed			
Automated data processing and telec	namenica	tions		40		6,631

This net increase reflects both a program decrease of \$7,000,000 and a program increase of 40 positions and \$13,631,000 for the FBI. The enhancement will continue knowledge-based expert system development for its artificial intelligence initiatives (\$6,500,000) in the areas of labor racketeering, decision support involving human and financial resources, the Subject Identification System, and for Other Field Programs. These systems are

FEDERAL BUREAU OF INVESTIGATION

Program Changes

Perm.

Amount

computer programs which include knowledge, in the form of rules, acquired from subject matter experts such as criminal investigators and prosecutors. The systems perform at, or near, the level of a human expert.

Consequently, they are an important addition to the law enforcement and counterintelligence activities of the FBI. The increase will fund the lease of lines and circuits to The increase will fund the lease of lines and circuits to enhance the FBI's nationwide telecommunications networks (\$6,131,000). The enhancement will provide field electronics technicians (40 positions and \$1,000,000) for field office site preparations required to support office automation activities. Additional electronic technicians are necessary for the continuing installation, maintenance and repair of equipment in the 58 field offices and 135 resident agencies related to the implementation of the extended Field Office Information Management System (FORE). These personnel provide immediate in-house expertise to this significant and valuable office automation system. The program decrease will require the FBI to stretch out FORE intelligent workstation (IWS) equipment procurement. A total of 10,500 INSs are required for FBI field offices to realize the projected positive return on investments in automated systems but only 5,874 IWB will have been acquired through 1990.

Technical field support and equipment.....

\$5,353

57

This net increase reflects both a program decrease of \$4,342,000 and a program increase of 57 positions and \$9,695,000 for the FBI. The enhancement will support the FBI's radio communications systems by providing funding for the lease of radio towers and microwave repeater sites (\$5,115,000) and for the procurement of field surveillance equipment (\$1,890,000) including microphone systems, radio transmitters, and pen registers used to support investigative efforts in drug, organized crime, and other investigations. A total of 87 automobiles (\$1,186,000) will be purchased for the Special Support Group program, which provides off-site surveillance support to FBI investigations. Electronic engineers (3 positions and \$154,000) are requested for the Andio Processing Program to reduce a growing backlog and respond on a more timely basis to field office requests for audio processing assistance. Field electronic technicians (54 positions and \$1,350,000) are requested to support current digital voice privacy (DVP) radio system requirements. There is a shortage of personnel needed to maintain and service field radio and other technical equipment such as intrusion detection devices. The program decrease will require the VBT to etwards up 157 and equipment such as intrusion detection devices. The program decrease will require the FBI to stretch out DVP radio

FEDERAL BUREAU OF INVESTIGATION

Program Changes	Post.	Amount
equipment procurement. The FBI will not be able to retroifour "Top 12" field offices planned for 1990, involving the upgrading of the original systems put into place between 1 and 1982.	18	1
Savings from meragement and productivity improvements	-247	-\$2,095
This decrease affects two programs and represents anticipated savings from contracts with the private sector in furtherance of the Administration's A-76 initiative. Reductions are to the following programs: (1) Records Hanagement (129 positions and \$1,094,000); and (2) Fingerprint Identification (118 positions and \$1,001,000).		
Total program changes, Federal Bureau of Investigation	-150	24,202

DRUG EMPORCEMENT ADMINISTRATION (Dollars in thousands)

	Perm. Pos.	Amount
1988 obligations	5,710	\$491,376
Department of Justice Appropriation Act, 1989	5,710	505,000
1989 Supplemental (Anti-Drug Abuse Act of 1988)	221	30,000
1989 as enacted	5,931	535,000
Adjustments to permanent positions	-21 14	
1989 appropriation anticipated	5,896	534,450
Transfer for Organized Crime Drug Enforcement* Savings resulting from menagement initiatives Mandatory increases (see p. 9)	-762 -59	-68,366 -540 35,997
Decreases: Annualization of 1989 transfer to Office of Inspector General Nonrecurring items for 221 positions and resources added in 1989		-550 -18,554
1990 base	5,075	482,437
Program changes (detailed below)	334	_63,744
1990 estimate	5,409	546,181
* Resources will be reimbursed to DEA in 1990 from the Organ	ized Crime	Drug

Resources will be reinbursed to DEA in 1990 from the Organized Crime Drug Enforcement appropriation. This transfer is required by P.L. 100-690, Title I, Section 1055.

Com	parison by activity and program	1990 Perm Pos.	Base	1990 Perm Pos.	Estimate Amount	Inc. Peri	-
1.	Enforcement of federal law and investigation:						
	Domestic enforcement Organized crime drug	1,885	\$150,332	2,058	\$170,015	173	\$19,683
	enforcement1	•••	• • •		• • •		•••

 $^{^{1}\}mathrm{Resources}$ totaling \$68,366,000 to fund 762 positions for Organized Crime Drug Enforcement are transferred to the Organized Crime Drug Enforcement appropriation as required by P.L. 100-690, Title I, Section 1055.

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DRUG ENPORCEMENT ADMINISTRATION

	1990	Basse		Estimate		/Dec.
	Perm		Perm		Perm	
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos.	Amount
Foreign cooperative						
investigations	481	\$66,225	490	\$68,458	9	\$2,233
Diversion control	570	37,044	570	37,044		•••
State and local task forces	239	27,814	266	31,976	_27	4.162
Subtotal	3,175	281,415	3,384	307,493	209	26,078
2. Investigative support:						
Intelligence	452	33,868	549	41,258	97	7,390
DEA laboratory services	227	14,776	247	21,174	20	6,398
DEA training	72	10,721	72	15,721	• • •	5,000
Research, engineering and		•		-		•
technical operations	320	37,214	320	37,214	• • •	•••
ADP and telecommunications	109	52,692	115	70,853	6	18,161
Records management	70	4.852	70	4.852		
Subtotal	1,250	154,123	1,373	191,072	123	36,949
3. State and local assistance:						
State and local training	30	3,196	30	3,196	• • •	
State and local laboratory						
services	_25	1.972	_25	1,972		***
Subtotal	55	5,168	55	5,168	•••	•••
4. Program direction: Executive direction and						
control	367	23,209	369	23,426	2	217
Administrative services	228	18.522	228	19,022	***	500
Subtotal	595	41,731	597	42,448	2	717
TOTAL	5,075	482,437	5,409	546,181	334	63,744
				Perm.		
Program Changes		i		Pos.		Amount

Included in this increase are the following: 148 positions (including 120 agents), 74 workyears and \$16,543,000 for expansion and formalization of DEA's foreign drug suppression/enforcement program in source countries (i.e., South American cocaine suppression and identification and destruction of heroin laboratories in Pakistan); 25 positions (including 16 agents), 13 workyears and \$2,540,000 to complete the nationwide placement of Asset Removal Teams in four remaining DEA Divisions; and \$600,000 for clandestine laboratory safety equipment to support enforcement activities against the domestic production of dangerous drugs.

DRUG ENFORCEMENT ADMINISTRACTION

DRIG ENFORCEMENT ADMINISTRATION	-	
Program Changes	Porm.	Amount
Foreign Cooperative Investigations	9	\$2,233
This increase of 9 positions, 4 workyears and \$2,233,000 includes 8 agents to open two new (mainland China and Udorn Thani, Thaliand) and expand three (Cairo, Vienna and Hong Rong) existing foreign offices. The establishment and expansion of DEA's foreign offices is a critical first step in providing the intelligence and diplomatic groundwork necessary to initiate foreign enforcement/suppression progress.		
State and local Task Forces	27	4,162
This increase of 27 positions, 13 workyears and \$4,162,000 includes 20 agents to support the operation of seven new State and local task forces (for a grand total of 50 State and local Task Forces operating in 1990), thereby enhancing coperation among Federal, State and local governments. DEA currently has 11 provisional task forces under consider for permanent funding. They are located in Springfield, MA Tyler, TX; Albuquerque, NH; Saginew, HI; Mobile AL; Mestche County, NY; San Diego, CA; San Francisco (airport), CA; Fresno, CA; Norfolk, VA; and Columbus, CH. This increase will be sugmented by 60 State and local police officers.	ation	
Intelligence	97	7,390
This increase includes 36 positions, 18 workyears and \$3,488,000 for strategic intelligence to assist in identifying trends and organizations involved in domestic and international production and trafficking of drugs. Also, included are 61 positions, 31 workyears and \$3,902,000 to implement the analyst to agent ratio in support of operational intelligence. Intelligence analysts provide on-site active case support for investigations directed against high level traffickers, thereby assuring more effective and efficient use of investigative resources.		
DEA laboratory services	20	6,398
This increase includes nine chemist positions, six evidence technicians, three fingerprint technicians and two support totalling 10 workyears to keep pace with the expand numbers of special agents and quantity of drug evidence submitted for analysis. Also, included is \$1,673,000 for replacement of checlete or irreparable leboratory equipment Due to overcrowded laboratory work areas to accommodate the existing staff, \$3,000,000 is required for expansion of the Southeast (Mismi) and Southeast (San Diego) field laboratories.	•	

DRUG ENFORCEMENT ADMINISTRATION

Program Changes	Perm. Pos.	Amount
DEA Training	•••	\$5,000
This increase includes \$975,000 for automatic weapons and associated training equipment, to allow DEA to maintain parity in firepower with the criminal opposition. Also included is \$4,025,000 for expenses to develop and conduct additional in-service training. Options for additional training sites include hotel and conference facilities near the FBI Academy and other Pederal training centers (i.e., FIETC).		
ADP Telecommunications	6	18,161
Included in this increase is \$8,722,000 to continue implementation of DEA's Office Automation (OA) System in all domestic offices. The total funding requirement for OA in 1990 will be \$26,200,000. Also included are: \$4,000,000 to provide DEA with adequate computer processing time to keep pace with the increase in information systems users; 6 positions, 3 workyeers and \$4,523,000 to expand data entry and systems development contracts; and \$916,000 to upgrade the computer system at the El Paso Intelligence Center (EPIC).		I
Executive Direction and Control	2	217
This increase will expand the number of personnel assigned to maintaining and analyzing DEA's expanding base of statistical information.		
Administrative Services	•••	500
This increase will provide 400 additional required medical examinations (over a base of 1,750) as a result of the increased clandestine laboratory workload.		
Total program changes, Drug Enforcement Administration.	334	63,744

INMIGRATION AND NATURALIZATION SERVICE (Dollars in thousands)

				Perm. Pos.	Amount
1988 obligations	• • • • • • •			15,453	\$807,759
Department of Justice Appropriation		15,348	800,000		
1989 Supplemental (Anti-Drug Abuse)	••••	80	_26.200		
1989 as enacted	••••	15,428	826,200		
Transfer to the Office of the Insp	pector G	meral	••••	135	_=4.177
1989 appropriation anticipated	• • • • • • •	•••••	••••	15,293	822,023
Mandatory Increases (see p. 9)	• • • • • • •		••••	•••	72,549
Decreases: Federal Employees' Compensation	2 mb /9000	M 1 -			
Unemployment Compensation Nonrecurring decrease for machi			••••	•••	-229
security program				•••	-3,138
Inspector General					4.177
1990 base	• • • • • • • •		••••	15,293	887,028
Program changes	• • • • • • •			-1.501	-20,569
1990 estimate	•••••	•••••		13,792	866,459
	1990 F	ese_	1990 F	stimate	Inc./Dec.
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos. Amount
1. Enforcement: Inspections	1,171	\$80,612	1,049	\$78,482	-122 -\$2,130
Border Patrol	5,493	257,033	4,941		-552 -10,675
Investigations	1,906	91,979	1,738	91,573	
Anti-smiggling	384	20,570	343	19,895	
Detention & Deportation Employer & Labor Relations	1,613 57	145,523 3,940	1,544 51	150,776 3,858	-69 5,253 -6 -82
Subtotal	10,624	599,657	9,666	590,942	
 Citizenship and Benefits: Adjudications & 	•				
Naturalization	1,302	58,582		56,587	
Refugees & Overseas Subtotal	116	12,156 70,738	104	11.795 68,382	
SUDUCUL	1,418	70,738	1,264	00,302	-154 -2,356

DATIGRATION AND NATURALIZATION SERVICE

		1990 Base					Dec.
Comparison by activity and program		Pos.	Amount	Pos.	Amount	Pos.	Amount
3.	Demigration Support:						
	TrainingData & Communication	89	\$10,058	100	\$10,913	11	\$855
	Systems	240	54,077	215	52,117	-25	-1,960
	Management	1,353	53,134	1,137	49,113	-216	-4,021
	Intelligence	55	2,846	50	2,735	-5	-111
	Research & Development	4	541	4	537		-4
	Construction & Engineering	17	7,062	15	6,980	-2	-82
	Pield Management & Support	318	18,525	288	17,747	-30	-778
	Legal Proceedings	_613	29,462	_547	28,685	-66	-777
	Subtotal	2,689	175,705	2,356	168,827	-333	-6 ,878
4.	Program Direction: Executive Direction &						
	Control	104	6,727	98	6,196	-6	-531
	Administrative Services	458	34,201	408	32,112	-50	-2,089
	Subtotal	562	40,928	506	38,308	-56	-2,620
	TOTAL	15,293	887,028	13,792	866,459	-1,501	-20,569

	Perm.	Amount
Program Changes		
Detention and Deportation	130	\$9,275

The requested increase of 130 positions and \$9,275,000 will staff two new detention facilities for criminal aliens. Cakdale II in Louisiana is an extension of Cakdale I and is to be operated jointly by INS and the Federal Prison System. The San Pedro, California facility is being converted from a Service comed Regional Office complex and will be operated solely by INS. The resources to build these facilities were provided in a 1987 Supplemental Appropriations Act, which provided \$15 million to construct new Federal alien detention facilities associated with increased detention workload. The facilities are scheduled to be activated and receive detaines in September, 1989.

IMMIGRATION AND NATURALIZATION SERVICE

Program Changes	Porm.	Amount
Training	24	\$1,356
An increase of 24 positions, and \$1,356,000 is requested to provide instructors for a new FLETC training facility in Artesia, New Mexico. The Glynco training facility has been unable to accommodate IRS's needs for journeyman leve training. By 1990, many of the personnel hired as a resul of IRCA will require advanced training. This facility will be utilized primarily for in-service journeyman level traifor IRS enforcesent officers to enhance their skills in the detection and apprehension of aliens, alien smugglers and drug trafficiers. Existing resources cannot be reallocate to assume this workload without significantly effecting on going basic training programs.	t 1 ning e	
Program Decreases	-1,655	-31,200

Base program decreases of 1,398 positions and \$28,953,000 are required for INS to fund its mandatory increases and stay within the targeted budget levels established by the Administration. These reductions are taken across all INS programs, including programs that received IRCA enhancements. They can be achieved through various measures including effectively using benefits that have been acquired through the implementation of INS's receipt accounts such as the Immigration User Fee, Legalization Fee, and Examinations Fee. INS has also shown marked increases in productivity and efficiency in its enforcement programs over the last several years which will further enable it to absorb these cuts. Additional decreases of 257 positions and \$2,247,000 reflect A-76 Management and Productivity Savings which can be achieved in part by contracting out for mechanics, maintenance, food preparation, janitorial work, and data processing functions.

THETERATION AND NATURALIZATION SPRVICE

Program	Perm.	Anount
Inspections	-122	-\$2,130
Border Patrol	-552	-10,675
Investigations	-168	-406
Anti-Smagling	-41	-675
Detention and Deportation	-199	-4,022
Employer and Labor Relations	-6	-82
Adjudications and Naturalization	-142	-1,995
Refuses and Overseas	-12	-361
Training	-13	-501
Data and Communications Systems	-25	-1.960
Information and Records Management	-216	~4,021
Intelligence	-5	-111
Research and Development	•••	-4
Construction and Engineering	-2	-82
Field Management and Support	-30	-778
Legal Proceedings	-66	-777
Executive Direction and Control	-6	-531
Administrative Services	50	-2.089
TOTAL	-1,655	-31,200
Total program changes, Immigration and Naturalization Service.	-1,501	-20,569
DELTADE 111111111111111111111111111111111111	-1,501	-201203

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Deligration Legalization (Dollars in thousands)

Permanent Indefinite Special Fund

	Perm. Pos.	Amount
1988 obligations	•••	\$113,247
1989 budget authority	•••	72,043
Adjustments to base	-ia	-17.251
1990 base	•••	54,792
Program changes		
1990 estimate,	•••	54,792

The Immigration Reform and Control Act of 1986, P.L. 99-603, provides for the establishment of a Legalization program. Under this program, aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982 and resided in the U.S. since then and who are not excludable, could apply for temporary resident status. The law allows those granted temporary resident status to apply for permanent resident status after 18 months upon showing general admissability and citizenship skills. Consistent with the Act, this program is to be funded through application fees, which shall be available without fiscal year limitation to cover administrative and other expenses in connection with the review of legalization applications.

Adjustments to base

The 1990 request contains the resources necessary to receive and process the 956,000 applications for permanent status expected to be submitted in fiscal year 1990. The reductions in the 1990 estimate are due to the non-recurring cost of equipment purchases, completion of contractual services, and the phasing down of operations as a result of the completion of the temporary resident phase of the legalization program.

INSTIGRATION USER FEE (Dollars in thousands)

Permanent Indefinite Special Fund

	Porm.	Amount
1988 obligations	•••	\$91,707
1989 budget authority	•••	104,000
Adjustments to base	***	1.000
1990 base	•••	105,000
Program changes	***	
1990 estimate	•••	105,000

The Department of Justice 1987 Appropriation Act (P.L. 99-500 and P.L. 99-591) provided for the establishment of a \$5 per individual user fee for certain passengers travelling into the United States. These fees will be used to fund costs associated with immigration inspection and preinspection for passengers on certain commercial aircraft and vessels; overtime immigration inspection services; administrative debt recovery, including the operation of a national collections office; expansion, operation and maintenance of information systems for non-immigrant control and debt collection; detection of fraudulent documents used by passengers travelling to the United States, and detention and deportation services for excludable aliens arriving on commercial aircraft or vessels.

Adjustments to bese

In 1990, additional collections of fees resulting from increased foreign travel are anticipated. Thus, the 1990 estimate is \$105,000,000.

Deligration Economytons FEE (Dollars in thousands)

Permianent Indefinite Special Fund

	Perm. Ros	Amount
1988 obligations	•••	•••
1989 budget authority	•••	\$21,000
Adjustments to base	***	5,500
1990 base	•••	26,500
Program changes	***	
1990 estimate	•••	26,500

The Immigration Examinations Fee Account was established in the Department of Justice Appropriation Act, 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account in excess of \$50,000,000 shall remain available until expended to reimburse any appropriation the amount paid out of such appropriation for expenses in providing immigration adjudication and naturalization services. The resources to be made available will be used to adjudicate applications and patitions for benefits under the Immigration and Nationality Act and to provide necessary support to adjudications and naturalization programs.

Adjustments to base

In 1990, additional collections of fees are anticipated, thereby adjusting the 1990 base to \$26,500,000. These fees will be used to further expand the adjudications and naturalization programs.

PERCELL PRISON STREET Analysis of an increase of \$2(1),839,600 (dollars in thousands)

	111 (III		of co	LIBETIONS		AND SPCFFIAIRS		
	Pos.	Anoust	Pes.	Anosat	Pee.	Asset	Pes.	Asoust
1958 obligations	11,760	150,192		10,373		114,119	11,934	193,054
Separtment of Justice Appropriation Sct. 1989	15, 252	953.012	4	9,590	164	263,693	15.463	1,166,295 1
1919 supplemental (dati-Brug Abose Act of 1918)					17	95.694	17	95,600 :
1919 as esecteé	15,254	153,612		9,590	161	199,191	15,416	1.261,695
Transfers to and from other accounts	(18)			!		11.150	(18)	\$1,254
1989 appropriation maticipated	15,260	952,426		9,590	161	388,143	15,662	1,354,155
1996 estimite	17.01	1.153.554		10,112	262	41,33	17,782	1,563.991
Charge 1999 from 1919	2.231	200,120		122		13.113	1.320	213,839
Mjustments to base					*******			
Serings des to management initiatives		(1.461)						(1,003)
Sasistery increases:						1		i
Beloged Coastruction Projects	•••			;		i		i
Annualisation of 1989 Program Increases	***	48,696 : 16,616 :	***	45	24	292	24	98,698 ; 16,993 ;
Special salary rates		3,654 ;	•••	i	***	1		3,654 1
Unitation of the state of the s	•••	3,599 1 4,743 ;		31 : 12 :		69 1 68 1	•••	3,669 ; 4,795 }
federal Engineers Settrement System (FSES)	•••	1		1	•••		•••	11 1
fed. Employees' Coup. Act - Certers Compensation.	•••	1,334 ;		i	•••	1	•••	1,224 ;
GSA TestGSA receptable services	•••	2.161 :	•••	20 :	•••	}	***	3,161 ;
federal Telecomunications System (PTS)		10)		22 1		··; :	***	136
Telephone Service	•••	166 1		13 1		1		119 (
Sepiores data and payroll services	•••	12 ; 126 ;	•••	1	•••	:	•••	16 : 126 :
General pricing level adjustment	•••	8,592	•••	365		912 :	•••	9,919
fell-freid savestigations	•••	341 :	•••	!	•••	:		361 1
Seck pay awards		1.192 :		!	•••	!	***	1,102 ; 260 ;
Physicians Comparability allowance		160 :	*	;		i	***	160 :
Total, mandatory increases		162,316		522	16	1,366	36	144.222 ;
Decresses	•••	(14,369);	•••	:	•••	1344,7971		(623,166) (
Total, adjustments to base		66,166 :		522 :		1347,4111:	(1	(286,745);
1998 base	15,246	1,010,570 ; ;	- (5	10,112	317	40,732	15,506	1,669,616
Francia chases		:		:		:		:
Staff and related expense	1,140	22,598 ;	•••	••• }		361,664	1,500	23,500 ; 363,600 ;
Giber changes	731	111.666	•••	:		1	131	111,486
Tetal, program changes	1.111	133,984 ;		0 :	- 65	360,660 ;	2,216	(94,544 :
1999 estuate	17,471	1.152,556	19	10,113 :	262	401,332 :	17,782	1,563,991
Change 1999 from 1909	1.11:	299,128		532 :	Ti.	13,169 ;	2,326	213,639 :

PENERAL PRISON SYSTEMS, SALARIES AND EXPENSES (Dollars in thousands)

					Perm. Pos.		Ancunt	
	1988 obligations	• • • • • • • •		• • • • • •	11,760	\$7	758,392	
	Department of Justice Appropriation	•••••	15,258	9	53,012			
	Transfer to the Office of Inspect	• • • • • •		-	-586			
1989 appropriation anticipated						9	52,426	
	Savings resulting from management	initiat	ives	•••••	•••		-1,801	
	Mandatory increases (see p. 62)	• • • • • • • •			•••	1	142,314	
	Decreases: Annualization of 1989 transfer (Inspector General	• • • • • • • •			•••		-586 -73 . 783	
	1990 base	• • • • • • •		• • • • • •	15,240	1,0	18,570	
	Program changes (detailed below).	• • • • • • •		• • • • •	_2,231	1	33.984	
	1990 estimate	• • • • • • • •		•••••	17,471	1,1	52,554	
		1990 Base 1990 F		Estimate	Inc./	Dec.		
	Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos.	Amount	
	1. Inmate Care, Custody and Programs:		•					
	Inmate care	2.200	\$230.353	2.506	\$258,994	306	\$28,641	
	Institution security		227,524				27,864	
	Unit management	1,740	79,634			265	17,901	
	Inmate programs							
	Subtotal	950 11,370	592,496	1,163 13,021	<u>67.485</u> 679,402	$\frac{213}{1,651}$	12,500 86,906	
	2. Institution Administration and Maintenance:							
	Institution administration	1,982	140,699	2,256	152,393	274	11,694	
	Staff training	132	14,074	173	15,694	41	1,620	
	Institution maintenance	1,152	139, 125	1,302	157,337	150	18,212	
	Subtotal	3,266	293,898	3,731	325,424	465	31,526	
	3. Contract Confinement	125	80,395	177	91,817	52	11,422	

PETERAL PRISON SYSTEMS, SALARIES AND EXPENSES

		1990 Page Perm		1990 Patimate Perm		Inc./Dec.	
Q	parison by activity and program	Pos.	Ascumt	ROSL	Amount 1	BOSEL A	mount
4.	Program Direction: Executive direction Administrative services Subtotal	223 256 479	\$14,349 <u>37,432</u> 51,781		\$14,799 41,112 55,911	30 <u>33</u> 63	\$450 3,680 4,130
	TOTAL	15,240	1,018,570	17,471	1,152,554	2,231	133,984

Program Changes	Perm.	Amount
Activate new facilities	634	\$45,379

This request provides an increase of 634 positions, 351 workyears and \$45,379,000 distributed among FFB's irmate care and custody, institution maintenance and administration programs to activate facilities. This request will provide for the activation of several facilities including: a Federal Correctional Institution in Three Rivers, TX (700 beds); five surplus facilities in localities not yet designated (1,250 beds); Federal Prison comps at Hilan, MT, Bastrop, TX and Sandstone, HN (450 beds); an expansion of the Lewisburg, PA comp (100 beds); one housing unit at Rochester, HN (100 beds); and one segregation unit at Hemphis, TN (80 beds), for a total of 2,680 additional bedspaces. Bedspace capacity at the end of 1990 includes a total of 38,751 beds.

This request provides 1,500 positions, 750 workyears and \$22,500,000 for staffing improvements at existing institutions for irrate care and custody, institution administration and maintenance, and program direction, as well as an increase to expend community programs' offices. This increase represents a conscious choice by this Administration to provide additional staffing to handle overcrowded facilities in an effort to reduce new facility construction costs that would otherwise be necessary with the increasing prison population. In doing so, the Administration proposes a revised goal of 30 percent overcrowding by 1995.

FEDERAL PRISON SYSTEMS, SALARIES AND EXPENSES

· ·		
Program Changes	Perm. Post	Ancunt
Population adjustment	•••	\$24,535
This request provides an increase of \$24,535,000 to finance the adequate care and subsistence of a projected increase in the average daily population of 6,022. These resources will enable FRS to house an armual average daily population of 56,400 in 1990.		•
Contract confinement	•••	10,642
This request provides a total increase of \$10,642,000 to fund private facility contract confinement for 250 aliens for six months (\$1,450,000); to fund an additional 225 immates in Community Treatment Centers and 225 immates under Special Curfew Parole (\$2,009,000); and \$7,183,000 for contracts with State and local facilities to provide 460 badspaces to FFB.		
Automated Data Processing	•••	3,200
This request of \$3,200,000 provides additional resources to support increased costs paid to the Department's Data Center associated with a continuously increasing insate population.		
Equipment and Inventory	•••	10,983
This request includes \$10,983,000 for equipment (\$5,723,000 and inventory (\$5,260,000) destroyed during the Mariel Ouba riots in November and December 1987. The 1989 Salaries and Expenses amendment in the ascurt of \$36,486,000 included \$4,204,000 for FPS to begin to replace equipment and invent destroyed during the riots. The Administration believed that only a portion of the \$15,187,000 actually needed to replace the destroyed equipment and inventory could be used in 1989 while the reconstruction of Atlanta and Oskiale was taking place. This increase represents the remainder of the costs needed for the complete replacement of the destroyed equipment and inventory.	n ory	
Vocational Training Expenses	97	8,001
This request provides 97 positions and workyears and \$8,001,000 for the vocational training expenses of insetes. This portion of the vocational training program was formerly funded by Federal Prison Industries (FFI). The transfer of this function into Salaries and Expenses (S&E) will allow all insets educational expenses		

FEDERAL PRISON SYSTEMS, SALARIES AND EXPENSES

Amount

Program Changes Ros.

to be consolidated into one appropriation and eliminates the profitability of FFI as a determinant of the quality and quantity of vocational training programs and provides FFI with additional financial flexibility to handle an increasing industrial program. This action would be the final phase of completing the transfer of the vocational training function from FFI to the S4E appropriation begun in 1975.

Irmate Performance Pay..... \$8,744

This request provides \$8,744,000 for the transfer of the immate performance pay function from FPI to the \$4E appropriation. This increase includes base resources of \$7,000,000 in addition to a minimal increase mainly attributable to an increased number of immates in the program. This proposal would affect pay provided to non-inclustry employed immates, while salaries of immates employed in FPI factories would continue to be funded from FPI profits. As in the vocational training request, the transfer of immate performance pay would eliminate FPI profitability as a determinant of the quality of the immate performance pay program.

As a government-owned corporation, FPT has operated independently of the rest of the Federal Prison System. FPI has traditionally funded its own expansions and operating expenses, as well as the vocational training and inmate performance pay programs, through its profits. As a result of the tremendous prison expansion which began in 1987, FPT has been faced with unprecedented capital expenditures and is consequently projecting financial difficulties through 1995. As a result of these difficulties, FPI found it necessary to request borrowing authority from the Federal Financing Bank (FFB) in 1989 to help fund construction costs for 1989 and beyond. FPT continues to have the authority to borrow funds, subject to annual appropriations acts. To help relieve this financial burden, FPS proposes the transfer of the vocational training program and the inmate performance pay program to Salaries and Expenses. By relieving FPT of this burden, the vocational training and the inmate performance pay programs would no longer have to rely on FPT profits while at the same time, FPT profits would be freed up and available for capital expension projects. In addition, with the freed resources, FPT would be less likely to need to request additional resources through borrowing authority.

Total program changes, Salaries and Expenses................. 2,231 133,984

NATIONAL INSTITUTE OF CORRECTIONS (Dollars in thousands)

	Perm.	Amount
1988 obligations	41	\$10,373
1989 as enacted	41	9,590
Adjustments to permanent positions	8	•••
Mandatory increases (see p. 62)		522
1990 base	49	10,112
Program changes	***	
1990 estimate	49	10,112
1990 Besse 1990 J Petra Petra	Estimate	Inc./Dec.
Comparison by activity and programs Pos. Amount Pos.	Amount	Pos. Amount
1. National Institute of	610 112	

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HUILDING AND FACILITIES (Dollars in thousands)

				Perm.		Amount
1988 obligations	•••••		• • • • • •	137	\$	124,289
Department of Justice Appropriation	Act, 19	89	• • • • • •	164		203,693
1989 Supplemental (Anti-Drug Abuse A	ct of 1	988)	• • • • • •	_17		95,600
1989 as enacted				181		299,293
Transfer from the Assets Forfeitur	e Fund.	• • • • • • • • •				88,850
1989 appropriation anticipated			• • • • • •	181		388,143
Mandatory increases (see p. 62)				36		1,386
Decreases for nonrecurring costs in and workdays associated with old			• • • • •		=	348.797
1990 base		•••••	• • • • • •	217		40,732
Program changes (detailed below)	Program changes (detailed below)			_45		
1990 estimate				262		
			1990 Perm	Estimate	Inc./Dec.	
Comparison by activity and program	Pos.	Amount	Pos.	Amount	Pos.	
1. New construction	107	\$650	152	\$361,250	45	\$360,600
2. Modernization and repair	110	40,082	110	40,082		•••
TOTAL	217	40,732	262	401,332	45	360,600
Program Changes				Perm. Pos.		Amount
New construction				45	\$	360,600

The requested program increases in this activity represent costs associated with the acquisition and construction of facilities in order to reduce over-crowding and to provide a safe and humane environment for staff and immates. This request includes increases

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HULLDINGS AND PACILITIES

Program Changes

TOTAL STATE STATE

Perm.

Amount

of 45 positions, 27 workysars and \$360,600,000 to provide funds for two 1,960-bed Federal prison complexes to be located in the Northeastern and Western Regions; one Federal Detention Center to be located in Missi, FL (700 beds); two detention units to be located at the Milan, MI Federal Correctional Institution and the Atlanta, GA Federal Penitentiary (300 beds); the acquisition and conversion of not yet designated surplus properties into minimum security facilities (750 beds); and to increase capacity of seven existing institutions (Big Spring, TX; Otisville, NY; Tallahassee, FL; Tyndall, FL; Loretto, PA; Danbury, CT; and Lawisburg, PA) by 1,015 beds. In addition, authority has been requested to lease two Federal Correctional Institutions to be located in the North Central and Western Regions that would add an additional 1,160 beds. This request would provide a total of 6,845 beds for sentenced prisoners and 1,000 beds for Federal detainees.

As the number of irmates continues to increase under the Department's vigorous law enforcement efforts, continued resources will be required to support the ever-increasing Federal detaines and inmate populations. Even with the Administration's revised goal of 30 percent overcrowding by 1995, construction resources will still be necessary to meet bedspace needs of an increased population. Without the construction resources requested for 1990 and beyond, Federal prisons would be overcrowded by 90 percent by 1995; an overcrowding level of this magnitude should be unacceptable to the Congress, as well as to the Administration.

Total program changes, Buildings and Facilities.....

\$360,600

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69

FEDERAL PRISON SYSTEM, FEDERAL PRISON INDUSTRIES, INC., (Dollars in thousands) Perm. Amount \$417,806 Pos. 1,272 1988 obligations (revolving fund)..... 492,7541 1,371 1989 estimated obligations..... 14,659 Mandatory increases..... Mandatory decreases: -11,677 -97 -18 495,718 1.274 23,410 Program changes..... 168 519,128 1.442 1990 estimate obligations..... 1990 Base 1990 Estimate Inc./Dec. Perm Parm Perm Amount Comparison by activity and program Pos. Anount Pos. Pos. Amount Congressional limitation: Administrative expenses..... Industrial operations: Cost of production..... 29 \$2,374 32 \$2,857 \$483 1,245 350;301 1,410 382,041 165 31,740 100,979 18,395 23.669 Other expenses..... 87,765 Buildings and improvements... Machinery and equipment..... 20,651 25,814 ... 2,256 ... 2,145 • • • • • • Subtotal..... 165 1,245 493,344 1,410 516,271 22,927 495,718 1,442 519,128 168 23,410 Perm. Program Changes Amount Pos. Administrative Expenses..... S483 This increases the administrative limitation for the Board of Directors by 3 positions and \$483,000. Industrial Operations..... 165 22,927 This increase will provide employment for approximately 18,674 inmates, an increase of 1,994 inmates over the 1989 estimate, through the establishment of factories and business offices at the following four new institutions: Fairton, NJ; Jesup, GA; Minersville, PA; and Three Rivers, TX. Total program changes, Federal Prison Industries...... 168

1.

 $^{^{1}\!\}text{This}$ estimate includes \$20.0 million of borrowing authority received from the Federal Financing Bank.

OFFICE OF JUSTICE PROGRAMS, JUSTICE ASSISTANCE (Dollars in thousands)						
,		asaas,		Perm. Pos.		nount
1988 obligations	• • • • • • •		••••	329.	\$26	57,194
Department of Justice Appropriatins	Act, 19	89,	••••	334	22	29,075
1989 Supplemental (Anti-Drug Abuse 2	Act of 1	988)	••••	***	\$	20,000
1989 as enacted	• • • • • • •	•••••	••••	334	31	19,075
Proposed rescission of Mariel Cub	an progr	:am	••••	•••	-	-5,000
1989 Program supplemental requests Officers' Benefits program				***		2.900
1989 appropriation anticipated	•••••	•••••	••••	334	31	16,975
Mandatory increases (see p. 9)	•••••	•••••	••••			8.725
1990 base	•••••		••••	334	32	5,700
Program changes (detailed below).	•••••		• • • • •	-24	22	9.447
1990 estimate	•••••		• • • • •	310	9	6,253
1'	1990 Base			Estimate	Inc./Dec.	
Comparison by activity and program 1. Research, evaluation and	Pos.	Amount	Perm Pos.	Amount	Perm Pos.	Amount
demonstration programs	•••	\$22,691	•••	\$24,691	•••	\$2,000
2. Criminal justice statistical programs	•••	21,032	•••	22,449	•••	1,417
3. State and local assistance*	•••	3,497	•••	•••	•••	-3,497
4. Anti-Drug Abuse program*	•••	148,500	•••	•••		148,500
.5. Emergency assistance	•••	•••	•••	•••	•••	• • •
6. Juvenile justice programs	•••	63,800	•••	•••	•••	-63,800
7. Missing Children	•••	4,200	•••	4,200	•••	•••
8. Public Safety Officers' Benefits Program	•••	24,000	•••	25,000	•••	1,000

^{*} The Anti-Drug Abuse Act of 1988 combines the state and local assistance program and the Anti-Drug Abuse program.

** A rescission has been proposed for the Mariel Cuban program in 1989.

9. Mariel Cubans.....** ...

OFFICE OF JUSTICE PROGRAMS. JUSTICE ASSISTANCE

•			Estimate	timate Inc./De		
Comparison by activity and program -	Perm Poga	Amount	Pos.	Amount		Amount
10. Regional Information Sharing System	•••	\$13,000	•••	•••		-\$13,000
11. Management and Administration	334	24.980	310	19.913	-24	<u>-5.067</u>
Total	334	325,700	310	96,253	-24	-229,447
Program Changes				Perm. Pos.		Amount
Research, evaluation and demonstration	on prog	rams	• • • • • •	•••		\$2,000
This increase will enable the Nati (NIJ) to design, develop and test lethal weapon (IIM) for use by last the United States. Development of to handpurs is a project of Nation potential to save the lives of bot civilians or suspects.	an efform w enform f a LLW nal sco th police	ective less- cement offic as an alter pe that officers	-than- cers ir mative ers the and	1		
Criminal justice statistical programs	5	• • • • • • • • • •	• • • • •	•••		1,417
This increase will enable the Burn (BIS) to (1) conduct the quinquers Survey of Jail Immates, the fourth representing the only national levand facilities (\$606,000); (2) to Crime Survey to more fully measure which Americans may be victims, it violence and household crimes, with measured for the first time (\$476, the Federal integrated data base to finore comprehensive data on Federal through adjudication, sentencing a	nial Can n in the redesing the m ncluding th vanda (000); a to permanal can	nsus of Jail a series a on jail in yn the Natio mber of cri g rapes, fam alissa being and (3) to e it the collesses from pro	nmates onal imes of mily expand action osecuti	.con		
State and Local Assistance					•	-3,497

This reduction will terminate funding for this program. In view of the Balanced Budget and Deficit Control Reaffirmation Act of 1987, many difficult decisions had to be made. One of these decisions resulted in an Administration policy that the States which receive program benefits should pay for them. The four years of funding which have been provided by this program have given the States and localities ample opportunity to find out if the projects they have funded with Federal funds have resulted in increased efficiency anyor reduced costs. If they have, then the States and localities should be willing to fund these projects. In the current period of scarce Federal funds,

OFFICE OF JUSTICE PROGRAMS. JUSTICE ASSISTANCE

Program Changes	Perm. Pos.	Amount
this program is no longer of sufficient priority to command a share of the limited funds available. The Department of Justice must first use any available funds to meet its Federal justice responsibilities.		
Anti-Drug Abuse Programs	•••	-\$148,500
A program reduction of \$148,500,000 is requested to terminate this program in 1990. The Administration believes that the fund made available to State and loval governments in 1987, 1988 and 1989 will permit these units of government to expend their efforts to enforce State and local drug laws. The bottom line is that the Federal government is operating in the red while, in the aggregate, State and local governments are operating in the black. In view of this, the Administration must first utilize available funds for Federal programs which are of the very highest priority including increased drug initiatives for Federal investigators and prosecutors.	<i>*</i>	
Juvenile Justice Programs	•••	-63,800
The Administration believes that much has been accomplished in the past 15 years through the use of funds made available by the Federal Government and that further funding for this program should be provided at the State and local levels. In the current period of scarce Federal funds, this program is no longer of sufficient priority to command a share of the limited funds available. The Department of Justice must first use any available funds to meet its Federal justice responsibilities. A program reduction of \$63,800,000 is requested to terminate Federal funding of this program.		
Public Safety Officers Benefits' Program	••	1,000
An increase of \$1,000,000 is requested to fund statutorily mandated costs in the Public Safety Officers' Benefits program.		
Regional Information Sharing System		-13,000
This program is designed to aid State and local law enforcement agencies in the exchange of information. The original RISS projects were funded on a demonstration basis with the expectation that financial support for these information networks would in time be assumed by the State and local law enforcement agencies which they serve. In the current period of scarce Federal funds, this program is no longer of sufficient priority to command a share of the limited funds available. The Department of Justice must first use any available funds to meet its Federal justice	٠	

OFFICE OF JUSTICE PROGRAMS, JUSTICE ASSISTANCE

Program_Changes	Pos.	Amount
responsibilities. The 1990 reduction of \$13,000,000 will eliminate funding for this program.		
Management and Administration	-24	-\$5,067
The net reduction of 24 positions and \$5,067,000 includes an increase of two positions and \$104,000 to allow NLJ to Administer the development of a Less-than-lethal weapon and allow BUS to support expanded functioning of the Federal integrated data base. Also included is a decrease of nine positions and \$5,028,000 associated with the termination of funding for the Juvenile Justice and the Anti-Dung Abuse programs and a decrease of 17 positions and \$143,000 for management and productivity improvements in furtherance of the Administration's A-76 initiative.		
•		
Total program changes, Office of Justice Programs	-24	-229,447

OFFICE OF JUSTICE PROGRAMS, CRIME VICTIMS FUND (Dollars in thousands)

Permanent Indefinite Special Fund

	Perm.	Amount	
1988 obligations		\$68,694	
1989 kudget authority		93,559	
Adjustments to base (detailed below)		<u>-3.559</u>	
1990 estimate	•••	90,000	
Change in obligations			
Crime Victims Fund	•••	-3,559	
The budget authority for 1989 is based on actual 1988 collections are expected to be \$90,000,000	tione	3,000	

1989 and in 1990, are expected to rise to \$100,000,000.

Mr. Smith. The Committee is pleased to welcome for his first appearance before the Committee Attorney General Dick Thornburgh, who will provide an overview of the Department's request.

STATEMENT OF THE ATTORNEY GENERAL

Mr. Smith. Mr. Attorney General, do you have a statement?

Mr. Thornburgh. I do, Mr. Chairman. I have submitted for the record, I believe, a comprehensive statement, but if the chair will permit, I would like to give a summary of that statement to provide a framework for our discussion this morning.

Mr. Smith. That will be fine.

Mr. Thornburgh. Mr. Chairman, and members of the Commit-

Thank you for the opportunity to present the Department of Justice's 1990 budget request and to address our ongoing programs and

policies.

Before addressing today's agenda and how the Department's 1990 budget proposes to deal with it, I would like to observe this year marks the commencement of the 200th anniversary of the Judiciary Act, which established the Office of Attorney General. The Constitution provides that the President shall take care that the laws be faithfully executed and the Judiciary Act of 1789 reiterated that an Attorney General should be appointed and sworn to fulfill this responsibility. Faithfully executing the law of the land is now much more of a responsibility than it was when Edmond Randolph became the first Attorney General on a part-time basis.

Let me say unequivocally, however, it is our intention to faithful-Let me say unequivocally, however, it is our intention to faithfully perform that duty and apply all the management skills at our disposal to make the best possible use of the Department's resources. Together we could both enhance our justice system and meet the President's call for a kinder, gentler nation. We need to foster the bipartisan agreement that produced the Comprehensive Crime Control Act of 1984, the Anti-Drug Abuse Act of 1986, the Immigration Reform and Control Act of 1986 and the Anti-Drug Abuse Act of 1989.

Abuse Act of 1988.

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If we have different views on how programs should be coordinated or on the relative priority and effectiveness of various Federal programs or on whether scarce Federal funds should be invested in programs administered by State and local governments, our debate should not obscure the fact the success of law enforcement depends ultimately on underlying social attitudes that respect the integrity and importance of our legal system. We intend to work closely with the Congress to find more effective ways to apply resources and make it clear that we agree that all branches and levels of government share responsibility for protecting our citizens.

DEPARTMENT OF JUSTICE AUTHORIZATION ACT

The Department will submit an appropriations authorization bill for all components of the Department. The authorization bill we are submitting is almost the same as last year's bill. The United States Marshal's Service is not included since it was enacted as part of the Anti-Drug Abuse Act of 1988. Prompt enactment of the authorization bill will provide the Department with updated permanent operating authorities for the first time since 1980 and will allow a number of provisions that are in the appropriations request to be more properly placed in the Authorization Act or permanent

OVERALL BUDGET REQUEST

President Bush's request for 1990 budget authority, including budget amendments, totals over \$7.1 billion. Under current law and budget allocation rules, the amount the Committee on Appropriations must address is only \$6.57 billion. The \$556 million difference is primarily explained by the recent creation of a number of self-financing funds. The 6.57 billion dollar request is \$731 million, or 12.5 percent, more than the 5.839 billion provided through general and special funds in 1989.

I would like to note that many programs funded in this Appropriations Act produced substantial receipts for the government.

FINANCIAL INSTITUTIONS FRAUD

Before I discuss other budget thrusts, I want to mention the financial institutions fraud initiative that the President has proposed and about which I testified earlier this month. As we announced earlier, attacking financial institutions fraud and insider abuses is a key part of our crackdown on white-collar crime. The President's comprehensive proposal to attack the financial institutions problem will increase the Department of Justice's 1990 budget by approximately \$50 million. The increase will provide resources for over 760 new investigators and attorneys and their supporting staff. Because the problem is so acute, we are also requesting a 1989 supplemental appropriation so that we can expand our work in this area without delay.

MAJOR BUDGET THRUSTS

In 1990, we will continue to make the President's War on Drugs a top priority. Our request also includes funding to expand our capacity to house and care for a growing prison population, to confine, transport and produce for court appearances more unsentenced prisoners, to expand the use of automated technology, to improve productivity, to represent the government in a wide range of important civil and criminal litigation, to collect debts owed to government and to respond to new statutory requirements.

WAR ON DRUGS

Let me speak for a moment about the War on Drugs. According to the Surveys and Investigations Staff of this Committee, 41 different departments, agencies and subordinate organizations are participating in and expending appropriated funds for anti-drug abuse programs. These programs range from drug enforcement and interdiction to user-focused education, prevention, treatment, intervention and accountability initiatives. Less than half of the funds expended were provided to the Department of Justice, despite our broad range of drug responsibilities.

The total budget estimate for this Department's drug effort in 1990 is almost \$2.4 billion. This amount does not include the \$38.3

million in the organized crime drug enforcement appropriation, which is to reimburse non-Justice agencies. These funds will support 20,445 workyears or 1,934 more workyears than funded in 1989. This substantial increase is vital for the Department to meet the demand of the War on Drugs that we are all committed to waging. To do this, we must recognize the needs of all components of the Criminal Justice System or the system becomes unbalanced. Thus, for 1990, we seek limited growth for drug matters within the Drug Enforcement Administration and the Immigration and Naturalization Service. Together with the Federal Bureau of Investigations, these agencies constitute the front line of drug law enforcement.

The War Against Drugs affects every one of our communities. And law enforcement, of course, has a vital role. We must be unrelenting in our efforts to put drug dealers behind bars. As long as enough people are willing to pay exorbitant prices for illegal drugs, others will risk prison or even a racketeer's rub-out to try to make themselves rich by supplying the demand. We are, thus, committed to fighting the Drug War with all the law enforcement resources at

our disposal.

The drug cases of Justice, Treasury and other investigators are prosecuted by the U.S. Attorneys, aided by the Criminal and Tax Divisions. For the prosecutors, we mainly seek to retain the additional resources provided by the Anti-Drug Abuse Act of 1988. We seek growth for the U.S. Marshals in court security and prisoner handling to address the workload arising from increased drug prosecutions. At the end of the chain is the Federal Prison System and the U.S. Federal Parole Commission. This budget proposes substantial prison construction.

One major initiative President Bush is proposing in his 1990 budget is to continue the drug grant programs in the Office of Justice Programs by providing \$150 million. These funds, of which we hope at least \$45 million can be applied to demand reduction projects, will stimulate State and local governments to not only continue but also develop and carry out specific programs which offer a high probability of improving the criminal justice system.

The request presented in this budget is not large. With limited Federal resources, we must fight this war smarter. More is not the only answer. Yet these new resources we seek are extremely important. The costs we must absorb this year and next year will con-

strain our operational presence.

One final matter deserves note. Yesterday I spoke to the National Governors Association and surprised them somewhat, I think, by noting if we want to lose the War on Drugs, we should just leave it to law enforcement. I did not mean, of course, to play down the brave efforts of those involved in attacking the supply side of the drug trade. Instead I meant and do mean that we must pay equal attention to the demand side, to reducing the consumption of drugs through programs of prevention education, rehabilitation and treatment and holding the drug user accountable for his or her share of the economic and social costs of drug dependencies. This will involve a reaffirmation of the value of a drug-free life style and is a job for all of us within government and without.

ASSETS FORFEITURE FUND

The Assets Forfeiture Fund is a complex self-financing account into which the proceeds of sales of forfeited property are deposited. For 1990, we estimate receipts of \$470 million and total expenses of \$337.7 million. Program and other expenses subject to specification in appropriations accounts are estimated to be \$100 million. Of the remaining expenses, over \$128 million will go to State and local entities as equitable sharing payments.

tities as equitable sharing payments.

We estimate that \$136 million in surplus funds will be transferred at the end of 1990 to the Special Forfeiture Fund for use by the Director for National Drug Control Policy, the drug czar. I urge the subcommittee to resist any further attempts to tap into the Assets Forfeiture Fund. Law enforcement is generating the revenue for the Fund, and our criminal justice system should not lose further use of these hard-won revenues.

INCARCERATION

A major priority of the 1990 budget is to obtain additional prison and jail space to house the increasing number of Federal sentenced and unsentenced prisoners. We appreciate the priority given to this need by the Congress in recent appropriations. Our need continues to reflect the success of enhanced law enforcement programs and criminal law improvements over the past decade. For 1990, we seek \$401.3 million for the Buildings and Facilities appropriation to construct and renovate correctional facilities. With these resources, we will be able to provide 6,845 more beds for sentenced inmates and increase the Federal Prison System's detention capacity for unsentenced prisoners by 1,000 beds. This will be accomplished by adding two new prison complexes proposed to be located in the Northeast and West, constructing a 700-bed detention center in Miami, expanding several existing facilities, acquiring surplus facilities that can be converted to minimum security camps and leasing two correctional institutions.

In addition, we are requesting \$147 million for the Support of U.S. Prisoners appropriation. The \$43.4 million program increase requested for this appropriation includes \$15 million for the Cooperative Agreement Program under which the Federal Government assists in the renovation and construction of State and local jails near Federal court houses in exchange for guaranteed bed space.

The increased prisoner population and the enhanced number of prison facilities increase our need for staff and operations funding. Federal prison population is now about 46,800. For 1990, the average daily population projection is 56,400. In addition, about 7,500 sentenced prisoners will be housed in contract facilities, principally community treatment centers. The 1990 request for operation of correctional institutions is about \$1.15 billion or \$200 million more than was provided in 1989. The largest increases are to activate new institutions that will be ready for occupancy in 1990 and to pay expenses associated with the feeding, health and other care of an increased inmate population.

an increased inmate population.

Also funding is included in the 1990 request for the Immigration and Naturalization Service to activate two new detention facilities for criminal aliens.

LITIGATION

The U.S. Attorneys are the largest and most visible litigative organization. Our 1990 request for the U.S. Attorneys primarily continues supplemental funding provided in the Anti-Drug Abuse Act of 1988 for drug prosecutions, asset forfeitures and civil enforcement litigation, as well as other needs.

However, we are seeking \$5 million to establish a debt collection fund to facilitate the collection of monies owed the government and \$1.1 million for staff needed to implement modern office automation technology throughout the 94 districts. The request also includes the President's proposal for additional funding for the pros-

ecution of fraud in financial institutions.

The various legal divisions and other components funded from the General Legal Activities appropriation are requesting \$298.6 million in 1990. Over the last several years, this appropriation has been funded below the President's request level despite the increasing responsibilities and workload of its components. Program increases requested include funding for a major case initiative by the Tax Division in conjunction with the Internal Revenue Service, high-stakes civil litigation involving toxic tort, radiation, National Childhood Vaccine Act, contract and fraud claims; Criminal Division work on foreign extradition and legal assistance matters and obscenity prosecutions; and major environmental litigation by the Land and natural Resources Division arising from reauthorization of the Clean Water Act and Safe Drinking Water Act, and increased civil litigation referrals from the Environmental Protection Agency. We are also seeking funding for office automation and automated litigation support contracts to enable our litigators to manage the massive caseloads with limited attorney and support staff.

DEBT COLLECTION

We are proud the Department collected over \$479 million in cash in 1988 in civil debts, penalties, and fines. During the first quarter of 1989, we collected \$182 million. This far exceeds the amount col-

lected in any comparable period.

As noted earlier, we request \$5 million for the U.S. Attorneys to encourage more aggressive debt collection. In addition, we need \$3.5 million more within the Justice Management Division for the pilot private counsel debt collection project. These funds will be used primarily to finance the contractor-operated central intake facility. This facility is the hub that provides the essential link between the Federal creditor agencies, the Department and the private counsel. However, unlike the private counsel, the facility is not funded from the amounts collected.

OTHER SIGNIFICANT CHANGES

On August 10, 1988, the President signed Public Law 100-383 to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians During World War II. I assigned responsibility to the Civil Rights Division to identify and locate the estimated 60,000 Japanese Americans still living who were deprived of their property and liberty and make a one-time

payment of \$20,000 to each person eligible at the time that Act was

passed.

A 1989 supplemental request for 25 positions and \$2.1 million for General Legal Activities is proposed to initiate the program. Payments to eligible persons will be made from a newly established Civil Liberties Public Education Fund as appropriations allow. These payments cannot be made until all eligible persons are identified and ranked by age because the oldest eligible recipient must be paid first. The request for 1990 is \$20 million.

The request includes an appropriation for an Office of Inspector General. Pursuant to the Inspector General Amendments of 1988, the Department will transfer 276 positions and over \$9 million in 1989 to fund the Office for about half the year. In 1990, the full-year costs of the new office will be \$18.9 million. To further strengthen the function, we are asking for 14 additional positions

and \$532,000 in 1990.

The Immigration and Naturalization Service budget for 1990 includes reductions to program funding of over \$31 million. The reductions have been applied across all program areas and are possible because of the creation of special receipt accounts, such as the Legalization Fee and Examination Fees accounts, and increased

productivity and efficiency in enforcement operations.

Excluding the \$150 million request for the Office of Justice Programs drug grant program, we are requesting \$96.3 million for research and statistical activities that can be conducted efficiently at the Federal level. This includes a \$2 million appropriation for the National Institute of Justice to develop less than lethal weapons for use in police work and \$1.4 million for the Bureau of Justice Statistics to implement the redesign for the National Crime Survey, to conduct a nationwide census of jails and inmate characteristics, and to collect more detailed data on how Federal cases are handled from prosecution through corrections.

The redirection of funds from a number of grant programs is proposed to support more urgent program needs of the bureaus and litigating divisions of the Department. A re-ordering of priorities is essential if continued progress is to be made in critical Federal law

enforcement efforts.

CONCLUSION

The budget that you have before you represents a careful balancing of the needs of Federal, State and local governments. I hope that the Congress will give this budget request the support it deserves. Again, I thank the Committee for this opportunity to meet with you and present the views of the Department of Justice. Mr. Chairman, I will entertain such questions as you may have.

[The prepared statement of Attorney General Dick Thornburgh

follows:

DEPARTMENT OF JUSTICE
STATEMENT OF THE ATTORNEY GENERAL
DICK THORNBURGH
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Committee:

Thank you for giving me the opportunity to present the Department's 1990 request and to address ongoing programs and policies.

Before addressing today's problems, and how the Department's 1990 budget proposes to deal with them, I would like to observe that this year marks the commencement of the 200th anniversary of the Judiciary Act which established the Office of the Attorney General. The Constitution provides that the President ". . . shall take Care that the Laws be faithfully executed. . ." and the Judiciary Act of 1789 reiterated that an Attorney General should be appointed and sworn to fulfill this responsibility.

'Faithfully executing the law of the land is now much more of a responsibility than it was when Edmund Randolph became the first Attorney General on a part-time basis. Let me state unequivocally that it is my intention to faithfully perform that duty and to apply all the management skills at my disposal to make the best possible use of the Department's available resources.

ACHIEVING A, GOAL

Over the past several months, the press has reiterated the President's goal of a kinder, gentler nation. I have said that in doing this we will have to get rougher and tougher on some of our citizens - those behind the scourge of illegal drugs, those engaged in organized crime activities, those who violate the civil rights laws, and those who would betray the trust of governing and defraud some of our most esteemed institutions. Our budget proposal provides the funding for these and other enforcement efforts of the Department.

Looking back over the last eight years, there is no doubt that the Congress has concurred with the Administration that more resources must be applied at the Federal level to control and reduce crime. Bipartisan support was essential for four of the legislative landmarks of the Reagan years - the Comprehensive Crime Control Act of 1984, the Anti-Drug Abuse Act of 1986, the Immigration Reform and Control Act of 1986, and the Anti-Drug Abuse Act of 1988. When these important pieces of legislation were under consideration, there were differences on how programs should be executed and coordinated, on the relative priority and effectiveness of various Federal programs, and on whether direct Federal programs should take precedence over programs administered by State and local governments. These debates will undoubtedly continue, but they should not obscure the fact that both the Administration and Congress recognize that increased law enforcement efforts depend ultimately for their success on underlying social attitudes that respect the integrity and importance of our legal system. I intend to work closely with the Congress to find more effective ways to apply resources and make it clear that we agree that all branches and levels of Government share responsibility for protecting our citizens.

DEPARTMENT OF JUSTICE AUTHORIZATION ACT

This year the Department of Justice will again submit to the Congress a bill to authorize appropriations for most of the components of the Department. Except for the Office of Justice Programs, which is separately authorized, no authorization act has been approved by the Congress since 1980. The 1980 authorization act has been extended annually, in the appropriations acts, with special provisions for undercover operations of the Federal Bureau of Investigation and the Drug Enforcement Administration. The authorization bill we are submitting for this year is almost identical to the one submitted last year except that it omits the United States Marshals Service Act, which was passed last year as part of the Anti-Drug Abuse Act of 1988. Prompt enactment of an authorization bill would enable the Appropriations Committees to move forward on appropriations matters with clear direction on related authorization issues and to eliminate from the appropriations act a number of provisions that are more appropriately placed in the authorization act or permanent law.

OVERALL BUDGET REQUEST

The budget request for 1990 provides a blueprint for a new decade of effective law enforcement. The budget authority request for 1990 contained in the budgets you have before you and the budget amendments proposed by President Bush total over \$7.1 billion. Under current law and budget allocation rules, the

amount that the Committees on Appropriations must address in 1990 is \$6.570 billion. This is \$731 million more than the \$5.839 billion currently provided through general and special funds in 1989. The major reason for the \$556 million difference between the total estimate for 1990 and the amount to be considered by the Committees on Appropriations is primarily explained by the recent creation of a number of self-financing funds.

FINANCIAL INSTITUTIONS FRAUD

Before I discuss the other budget thrusts contained in the 1990 budget, I must take note of the major crisis of fraud in financial institutions about which I have testified before the Senate Committee on Banking, Housing, and Urban Affairs as well as in other forums. The magnitude of failures in the savings and loan industry, and the fact that over a quarter of those failures were caused by fraud and insider abuse, signify serious white collar crime problems that require immediate action by the Department. The Administration is requesting for 1990 an appropriation of almost \$50 million and 760 new positions to investigate and prosecute these abuses. These resources will be applied to the Federal Bureau of Investigation, the United States Attorneys and the Criminal and Tax Divisions of the Department of Justice. A budget amendment reflecting these requests will be submitted shortly. In addition, supplemental funding will be requested in 1989 so that we can more rapidly stop the hemorrhaging of key financial institutions.

OTHER MAJOR BUDGET THRUSTS

Throughout the 1989 budget cycle, the Administration's request for additional drug resources met a positive response from those in Congress who had been made aware of the gravity of the issues. The Anti-Drug Abuse Act of 1988 demonstrates that Congress recognizes the need for new approaches in the war on drugs. While the Act provides a wide variety of key weapons with which to combat the nation's number one law enforcement priority, it is unfortunate that the regular Department of Justice Appropriations Act for 1989, even when augmented by the supplemental funding that accompanied the new drug legislation, provided less than President Reagan had requested in his initial 1989 request for the Department's components involved in law enforcement. The shortfall for the investigative agencies alone, namely the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Immigration and Naturalization Service, when compared to the President's 1989 request, was in excess of \$100 million. Similarly, the shortfall in those appropriations accounts which experience post-investigation costs, such as the United States Marshals Service and the Federal Prison System, exceeded \$250 million. Likewise, there was a significant shortfall in our litigative resources. Furthermore, in 1989, we will absorb the full cost of the 4.1 percent pay raise that became effective for most employees in January 1989, special pay rates approved for many employees in high cost areas, and other

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mandatory costs. I realize that these cost absorption problems are common to most agencies, but with limited exceptions, Congress must recognize that current budgetary realities will require strong, focused management efforts for us to meet the modest expectations we had established in our initial 1989 program proposals.

In 1990, we will continue to make the Administration's war on drugs our top priority. Additionally, the request includes funding to move forward with a variety of more vigorous criminal prosecutions; to improve our capacity to house and care for an increasing Federal prison population; to confine, transport and produce more unsentenced Federal prisoners; to expand the use of automated technology that will improve productivity; to collect debts owed the Federal Government; and to represent the Federal Government in a wide range of litigation.

WAR ON DRUGS

Several months ago the Surveys and Investigations Staff of the House Committee on Appropriations was asked to look at the Federal Government's drug effort. The report noted that 41 Federal departments or agencies and their respective component organizations are participating in and expending appropriated funds for anti-drug abuse programs. Using the Surveys and Investigations Staff estimates, less than half of the funds expended for drug programs were slated for the Department of Justice. Some people worry that addressing a problem with a multitude of resources automatically signals a lack of

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coordination. Yes, coordination is essential, but we should be thankful that so many Government agencies recognize that they can make a positive contribution to reducing the demand for and the supply of illegal drugs.

I think that many people outside the Government are surprised at the array of responsibilities the Department has and the number of components within the Department that participate in the war on drugs. Foremost in everypody's mind, of course, is the Drug Enforcement Administration which has a direct 1990 appropriation request of \$551.2 million to support 5,409 positions, including 2,513 drug enforcement agents. This is the front line of law enforcement that we all know about. Almost as well known is the narcotics related investigative work of the Federal Bureau of Investigation, which was formalized by order of the Attorney General on January 20, 1982, and which now focuses on coordinated investigations targeted against major drug trafficking organizations on a nationwide basis. We must also recognize the interdiction role of the Immigration and Naturalization Service (INS) which serves as a significant barrier against the entry of illegal drugs across our land borders.

Bolstering these front-line investigators and their support staffs are U.S. Attorneys who are charged with ensuring that those arrested for drug crimes will be prosecuted and, if convicted, serve stiff sentences. Investigation without the resources to prosecute becomes an empty exercise. The U.S.

Attorneys must handle not only drug cases from Justice agencies, but also those from the Customs Service, the Coast Guard, the Internal Revenue Service, and a host of other agencies involved in criminal investigations. We must take care that the U.S. Attorneys and the courts resources are balanced so that they are not overwhelmed with drug cases to the degree that they cannot handle their other criminal and civil responsibilities.

Also in the chain of Justice activities is the Marshals Service and its responsibility for court security; execution of warrants; prisoner housing, handling, and transportation; witness security; seized asset management; fugitive investigations; and international extraditions. Finally, at the end of the Justice chain are the Federal Prison System and the U.S. Parole Commission.

The total budget estimate for the Department's drug effort in 1990 is \$2.4 billion which includes \$150 million for State and local drug grant programs. These funds will support 20,445 workyears, or 1,934 workyears more than we are planning for in 1989, and will address one of my major concerns as Attorney General which is to ensure that there is a proper balance of resources among all of the components of the criminal justice system -- a responsibility that is shared by the Administration and Congress.

OBSERVATIONS ABOUT DRUG WAR

My appointment as Attorney General of the United States, as many of you know, represents a return appearance for me in the

Justice Department. A decade ago I was head of the Criminal Division. If I had to identify the biggest single change in the Department in the intervening years, it would be the growth of our involvement with the international problem of drug abuse.

Late last fall, I visited a dozen of my law enforcement counterparts from the European community during a ten-day introductory trip. Before and since, I have met with other top law enforcement officials from around the world to ensure our continued cooperation on a variety of matters. All have agreed on the need for greater international cooperation in the war on drugs, a war that deserves our wholehearted support.

The modern plague of drugs preys upon young people, devastates families and communities, and threatens the well-being of all nations. Drug abuse disables millions of people and threatens to enslave millions more.

The toll that drugs exact on our societies extends far beyond the individual victim. In a sense, all of us become victims, for our health and safety is at stake when others use drugs. We become victims of the crimes that addicts commit to sustain their habits. Community values crumble, institutions weaken, and governments must divert resources and attention to those problems of crime and corruption that invariably accompany drug production, trafficking and abuse. In many countries, narcoterrorism flourishes as terrorists and traffickers enter conspiracies of convenience. Drug production and trafficking also have stunted social and economic development, corrupting

whole societies through tawdry promises of wealth through drugs, and retarding efforts to maximize the productivity and efficiency of people in the workplace.

Drug traffickers have vast international networks, profits and arms at their disposal. They have no need to advertise their products, and they are able to gain access to villages, cities, schoolyards, workplaces, and locker rooms.

As drugs make their way from point of orgin to point of sale, they pump billions of dollars into the pockets of traffickers and dealers who live at the heights of the high life as a result of the misery and devastation they visit upon others. There is no more international a business today than the drug cartels -- a business where the raw materials are grown in one country, processed into illegal drugs in another, and shipped through several countries for sale in yet others. Profits from these sales are in turn recycled through laundered investments in a multitude of disguised transactions crossing many borders, often using legitimate international financial institutions.

The cost of drug abuse is bad enough in the United States where approximately 23 million Americans, or almost one in every ten of our citizens, used an illicit drug within the past month; where approximately 70 percent of those arrested for other than drug charges tested positive for illegal drugs at the time of their arrest; and where nearly \$100 billion a year is spent to combat illegal drug problems.

When we deal with drugs on the international level, we see even greater horrors that the drug trade can cause. Consider Colombia, for example. We see the drug traffickers who ambushed the security chief of a major Colombian newspaper last March, killing him in front of his wife, and shooting his ten-month-old daughter as well. We see the late Colombian Attorney General, Carlos Mauro Hoyos, kidnapped and found fatally shot in the head. We see Enrique Parejo, Colombia's ambassador to Hungary, tracked down and shot in Budapest by Colombian drug traffickers for having opposed them while he was Justice Minister. We see other honest government officials in Colombia and elsewhere who get miniature coffins in the mail, with pictures of their loved ones inside, courtesy of the drug traffickers.

If there is anything that could be called a bright side to the world-wide drug problem, it is that because the problem cuts across differences that are otherwise very great, it gives nations grounds for cooperation even while their relations in other areas may be difficult. This was evident in Vienna last December when over 100 nations adopted a United Nations Convention drafted to mount a concerted attack on drugs throughout the world. I was privileged to sign this document on behalf of the United States and to evidence our leadership in this effort which I hope and expect will receive early ratification by the United States Senate. This new multi-lateral agreement, entered into by drug-producing as well as drug-using nations, provides a number of new resources aimed at breaking the

cycle of drug trafficking and money-laundering that sustains the drug cartels. Its adoption can dramatically increase our international cooperative efforts against drug dealers.

while the Convention itself does not alter the laws of any nation, it commits the signers to the enactment of new legislation where necessary and to increased cooperation among law enforcement officials.

Full implementation of this Convention would give our children, and their children, the gift of a world cleansed of what President Bush properly identifies as the "scourge of drug abuse," a world where governments carry out their responsibilities free of the corrupt influence of drug profiteers, a world where the vicious criminals now in control of transnational drug cartels are behind bars, their networks in ruins, and their seized illicit profits plowed back into more effective law enforcement.

One final matter deserves note. If we want to lose the war on drugs, we can just leave it to law enforcement. I do not mean to play down the brave efforts of those involved in the supply side of the drug trade. Instead, I mean that we must pay equal attention to the demand side -- to reducing the consumption of drugs through programs of prevention, education, rehabilitation, and treatment and holding the drug user accountable for a share of the economic and social costs of drug dependency. It involves, in the final analysis, a re-affirmation of the value of

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a drug-free lifestyle and a recognition of the threat to our nation of continued tolerance of the plague of drug abuse.

ORGANIZED CRIME DRUG ENFORCEMENT

The 1990 budget implements Title I of the Anti-Drug Abuse Act of 1988 with its requirement to include a separate appropriation in the Department of Justice budget covering all Federal agencies participating in Organized Crime Drug Enforcement Task Forces.

The Task Forces grew out of the realization that effective and comprehensive attacks on major drug organizations are often beyond the capacity of a single agency. A multifaceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution. I will work with the new Director of National Drug Control Policy in whatever role may be appropriate to further develop and implement a coordinated national drug strategy.

We agree with the provision in the Anti-Drug Abuse Act requiring a separate appropriation for the OCDE Task Force Program. This is an effective means to implement a national drug strategy. A similar proposal was announced on October 14, 1982, by President Reagan in the Great Hall of the Department of Justice when the concept of the OCDE Task Forces began. The proposal for an OCDE appropriation received a hearty endorsement in the Senate and was approved for use by the Congress in both 1983 and 1984. Beginning in 1985, we continued the Task Forces,

but reverted to the more traditional direct agency appropriation concept to fund them. The theme of using a single appropriation for OCDE and other drug work was revived by Congress because the need for more flexibility in applying drug resources was recognized. The 1990 budget includes an appropriation request of \$215 million that will be made available to eleven different components of the Justice, Treasury, and Transportation Departments that participate in the Organized Crime Drug Enforcement Task Force Program. Within the participating agencies, the OCDE Task Force amounts are reflected as reimbursements.

OTHER DRUG AND INVESTIGATIVE INITIATIVES

The Drug Enforcement Administration (DEA) is the only Federal agency in Government whose sole mission is drug law enforcement. Although President Bush's 1990 budget request of \$551.2 million for DEA is only \$16.7 million over its 1989 budget authority, the absolute increase is \$85.1 million if we include over \$68.4 million that it is scheduled to receive from the OCDE Task Force appropriation. With these additional resources, DEA is to expand its foreign drug suppression efforts, increase its resources to seize drug trafficker assets, destroy more clandestine laboratories, increase its own laboratory testing capabilities, expand in-service training for DEA personnel, and improve ADP and telecommunication capabilities. Also, resources are included to fund fully the 221 positions added in 1989 as a result of the Anti-Drug Abuse Act of 1988. In addition,

President Bush has decided to ask for another \$5 million to take advantage of several promising opportunities to suppress the growth and suppression of illegal drugs in foreign cooperative operations.

The \$1.531 billion request for the Federal Bureau of Investigation is \$91.8 million higher than its enacted 1989 appropriation of \$1.439 billion. However, its absolute increase is \$143.4 million if we include the planned reimbursement of \$51.6 million in OCDE resources to the FBI. The budget request includes the Administration's new initiative to apply approximately \$25 million and over 450 positions to investigate financial institution fraud and embezzlement, as well as increases of \$12.2 million to annualize other FBI drug activities approved for funding in the Anti-Drug Abuse Act of 1988 including full funding for 279 newly authorized positions, \$14.3 million in equipment to support other high priority field investigations and \$23.3 million to augment investment within the ADP, telecommunications, and technical field support areas, offset, in part, by decreases totaling \$11.3 million to stretch out implementation of office automation and the digital voice privacy radio system. Given that the FBI has had to absorb a great many mandatory costs over the last few years, this request represents the minimum acceptable fund level for the Bureau in 1990.

The Immigration and Naturalization Service request for 1990 is \$866 million, an increase of \$44 million over the 1989 budget authority. With the OCDE initiative, the increase would be \$8

million more. The request includes 130 positions and \$9.3 million to staff two new detention facilities for criminal aliens (Oakdale II in Louisiana and San Pedro, California) and 24 positions and \$1.4 million to staff a new advanced in-service training facility in Artesia, New Mexico that was acquired by the Federal Law Enforcement Training Center. The remainder of the net changes fund mandatory cost increases which are partially offset by proposed reductions to programs that have shown considerable increases in productivity and efficiency in the last few years as well as the transfer of various functions. In 1990, INS programs will be commensurate to 1988 levels.

LEGAL ACTIVITIES

The litigative and other legal work in the Department is conducted by the staff supported from three salaries and expenses appropriations - U.S. Attorneys, General Legal Activities, and the Antitrust Division. The Fees and Expenses of Witnesses appropriation provides the resources necessary to pay expenses for others who appear in cases on behalf of the Federal Government.

U.S. ATTORNEYS

The U.S. Attorneys are the largest and most visible component of our legal arsenal. The supplemental appropriations provided by the recent Anti-Drug Abuse Act will enable the U.S. Attorneys to add in 1989 an additional \$39 million in direct appropriations and another \$30 million that is in the process of being transferred from the Assets Forfeiture Fund. A total of

\$22 million of this increase will be used to increase revenues through asset forfeiture and civil enforcement actions. Thus, in 1989 the U.S. Attorneys received budget authority totalling over \$460.2 million, about \$36 million more than our initial request.

In 1990, the Administration will request \$476 million, including pending amendments, for the U.S. Attorneys, an increase of \$15.8 million over the amount thus far made available in 1989. The total increase in resources would be \$61.6 million if the \$45.8 million identified in the OCDE Task Force budget for reimbursement to the U.S. Attorneys is taken into account. An increase of \$5 million is earmarked for specific debt collection functions. Most of the remaining increase is designated to annualize program increases provided in 1989, but there are also additional resources requested to support office automation efforts. Furthermore, prosecution of financial institution fraud cases will require an amendment for an additional 256 positions and \$21.7 million.

GENERAL LEGAL ACTIVITIES

The various legal divisions and other components funded from the General Legal Activities appropriation are requesting \$298.6 million in 1990, about \$53.8 million more than was provided in 1989. Over the last several years, this appropriation has been funded below the President's request level despite the increasing responsibilities that have been thrust upon its components. The continuation of our myriad litigation programs at current levels will consume much of the requested increase. The program

increases being sought for the Department's litigating components are targeted at important revenue recovery initiatives and significant workload increases resulting from recent legislative changes. One of the newest initiatives involves the serious fraud and insider abuse affecting many of the nation's financial institutions. Within the Criminal and Tax Divisions we are requesting 50 positions and \$3.3 million in 1990. In addition, the Tax Division requires 31 positions and \$1.3 million to implement a major case initiative in conjunction with the Internal Revenue Service, and to expand debt collection activities. The Civil Division request for 71 new positions and \$3.3 million is to address critical litigation in the Court of Appeals, to defend the interests of the Government in toxic tort and radiation claims, to address expanding consumer litigation, and to handle contract claims and fraud cases. This Division also requires additional resources to handle a growing number of claims arising from the National Childhood Vaccine Act. The Criminal Division requires an increase of 5 positions and \$248,000 to deal with increasing demands in foreign extradition and legal assistance matters, and to support obscenity investigations and litigation. Faced with expanding workload as a result of major environmental legislation, the Land and Natural Resources Division needs 49 positions and \$1.9 million. These resources will allow the Division to aggressively enforce new and expanded criminal sanctions contained in recent reauthorizations of the Clean Water Act and the Safe Drinking Water Act; address

increased civil litigation referrals from the Environmental Protection Agency; defend the Government against claims involving Federal facility compliance with environmental regulations; and address judicial review workload under the National Forest Management Act.

AUTOMATED TECHNOLOGY

Within the General Legal Activities appropriation there are two major ongoing automation activities that must be accelerated to make our work more efficient. Legal activities office automation, a separate activity in the General Legal Activities appropriation, has a \$7.4 million increase request over current year funding to enhance funding for an integrated office automation system in the litigating organizations. Automated litigation support is the other major technological initiative. In 1990, increases totalling \$11.0 million are contained in the requests of the Civil and Land and Natural Resources Divisions. Automated litigation support, a records management system for storage and retrieval of case related documents, is particularly necessary in complex cases because thousands, and sometimes millions, of relevant documents must be quickly identified while preparing cases and bringing them to trial.

JAPANESE INTERNMENT

On August 10, 1988, the President signed Public Law 100-383 to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians during World War II.

Title I of the Act requires the Attorney General to identify and

locate the estimated 60,000 Japanese Americans who were still living on the date the public law was signed and make a one time payment of \$20,000 to each eligible person.

The Civil Rights Division is responsible for identifying interned persons of Japanese ancestry and administering the program. A 1989 supplemental request for \$2.1 million to support 25 positions for General Legal Activities is proposed to staff the program. In 1990, \$1.0 million to fund 40 additional positions is needed.

Payments to persons determined entitled to benefits will be made from a newly established Civil Liberties Public Education Fund as appropriations allow. The request for 1990 is \$20 million. The Civil Rights Division's Office of Redress Administration will be prepared to begin benefit payments in 1990 after eligible persons have been identified and ranked in descending order of age.

ANTITRUST DIVISION

The \$47.2 million request for the Antitrust Division reflects a small decrease for contracting out efforts, but is otherwise a current services budget. The Division continues to give priority to antitrust enforcement in the area of white collar orime, such as price fixing and bid rigging, with special emphasis on government procurement. In reviewing mergers, the Division applies increasingly sophisticated economic analysis and fully takes into account international competition and the realities of world marketplaces. The budget request includes a

legislative proposal that would have the Antitrust Division assume the responsibilities of the Interstate Commerce Commission for reviewing rail related mergers, consolidations, and acquisitions, a function that is estimated to cost almost \$1.5 million.

UNITED STATES MARSHALS SERVICE

The Department has three accounts managed by the Marshals Service, the regular Salaries and expenses appropriation, the Support of U.S. Prisoners, and the Assets Forfeiture Fund. The work of the Marshals Service is seldom glamorous, but it is a vital part of the justice system. As you may be aware, the Marshals Service is celebrating its 200th Anniversary this year.

The \$228.8 million request for the Salaries and expenses appropriation is focused on providing new positions for the judicial security area and for handling an ever expanding workload caused mainly by the increasing complexity of the criminal justice process. The increased period of detention occurring before and during trials and the increased cost of housing Federal prisoners in State and local jails make it necessary for us to request \$147 million for the Support of U.S. Prisoners appropriation. The \$43.4 million program increase requested for this appropriation includes \$15.0 million for the Cooperative Agreement Program under which the Federal Government assists in the renovation and construction of State and local jails near Federal court houses in exchange for guaranteed bedspace.

I might note that the Supreme Court's recent decision upholding the U.S. Sentencing Commission Guidelines will lengthen the time between prisoner conviction and sentencing which will result in an increase in the number of unsentenced prisoner days spent in local jails. Thus, that decision will affect the funding requirement of these two appropriation accounts and argues strongly for the President's request.

ASSETS FORFEITURE FUND

Although the Marshals Service is the day-to-day manager of the Assets Forfeiture Fund, this is a complex self-financing account into which the proceeds or sales of forfeited property are deposited. Over the past several years, the proceeds have been distributed to the components of the Department involved in the seizure and management of the assets, to participating State and local governments, and to the Federal Prison System for prison construction. Also, for 1989, the United States Attorneys will receive an additional \$30 million from the Fund. Under the terms of the Anti-Drug Abuse Act of 1988, we estimate that \$136 million in proceeds will be transferred at the end of 1990 to a Special Forfeiture Fund for use by the Director for National Drug Control Policy in accordance with the priorities articulated in the National Drug Control Strategy.

In the 1989 budget cycle, the Congress expended considerable effort to remove most of the mandatory expenses of the Fund from the appropriations allocation controls, an effort that allowed the Committees on Appropriations to increase funding for other

vital programs. New legislation applicable to 1990 makes the process for allocating resources more complex, but we believe much progress has been made in resolving the appropriations allocation problem to the satisfaction of both the Administration and the Congress. I urge this and other Committees of Congress to resist further efforts to tap into seized asset receipts for purposes not currently authorized by law.

U.S. TRUSTEES SYSTEM FUND

Before moving to the Federal Prison System, I would like to make a few comments about a growing program that is totally selffinancing but, under current law, has all of its expenses charged against the allocation to the Committees on Appropriations. This is the United States Trustees System Fund, an operating program that supervises the administration of bankruptcy cases in the Federal Bankruptcy Courts. What was once a small program operating in only selected judicial districts, was expanded to provide essentially nationwide services by the Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986. In 1988 and 1989, the Congress set a \$47.4 million ceiling on expenditures for the program, an amount that allowed for orderly expansion; but in 1990 it is difficult to see how a nationwide program can be operated unless we are permitted to spend \$62.8 million from the amounts we expect to collect, as well as using some of the balances brought forward from prior years, particularly since this program is conducted at no expense to the Federal Government.

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CORRECTIONS

Overcrowding in the Federal Prison System has been of increasing concern as the Federal courts sentence more and more prisoners to longer terms. During the 1989 budget process, Congress recognized that increased resources must be applied to prison construction and the operation of correctional institutions. We appreciate the attention given to this priority. Unfortunately, the overcrowding problem is not abating despite the activation of several new facilities.

The Buildings and facilities request for 1990 is for \$401.3 million or \$13.2 million more than the sum of the 1989 appropriation of \$299.3 million and the \$88.8 million we plan to transfer from the Assets Forfeiture Fund at the end of 1989. With the resources and leasing authority requested in 1990 for new construction, we would be able to provide 6,845 additional beds for sentenced inmates and increase the Federal Prison System's detention capacity for unsentenced prisoners by 1,000 beds. Two new complexes proposed to be located in the Northeast and West would each accommodate 1,960 inmates at a total cost of \$231.1 million. Another \$58 million would be used to construct a 700-bed detention center in Miami. Expansion of existing institutions would provide 1,015 beds at a cost of \$41.8 million, and we believe that we can provide further additional bedspace by acquiring surplus facilities that can be converted to minimum security camps. Finally, with the necessary authority, we believe we will be able to provide additional bedspace for 1,160

inmates by leasing two Federal Correctional Institutions. The leasing arrangement is important to us because the initial budget authority and outlay requirements are significantly less than direct construction projects.

As we move forward with our construction projects we must prepare them for occupancy, staff them, and move in prisoners. Last year, when the Attorney General was before this Committee, there were approximately 44,000 prisoners in Federal institutions. Today there are around 46,800. For 1990, the average daily population projection is 56,400. In addition, approximately 7,500 sentenced prisoners will be housed in contract facilities, principally community treatment centers.

The 1990 budget request for the administration, operation, and maintenance of Federal correctional institutions is about \$1.15 billion, or \$200 million more than was provided in 1989. The largest program component of this increase is the request for \$45.4 million to activate new institutions that will be ready for occupancy in 1990. With this funding, 634 positions will be added to manage an additional 2,680 bedspaces. The next largest increase, \$24.5 million, is necessary for the expenses associated with the feeding, health, and other expenses associated with an increased inmate population. Another \$22.5 million to fund 1,500 positions is requested to support the expansion of staff at existing overcrowded institutions, and almost \$11 million more is needed to replace equipment and inventory destroyed during the Mariel Cuban riots. There are a number of other smaller

increases that are indirectly related to the ever expanding prison population and the costs necessary to contain it.

OFFICE OF JUSTICE PROGRAMS

The most significant change that President Bush made to President Reagan's budget is his endorsement of a \$150 million drug grant program for the Office of Justice Programs. With this amendment, the total request for the Justice Assistance appropriation increases from \$96.3 million to \$246.3 million.

When the President addressed the Congress on February 9, he announced a multifaceted war on drugs. I join him in the belief that it is important to stimulate State and local governments to develop and carry out specific programs which offer a high probability of improving the criminal justice system. We are fortunate that the Anti-Drug Abuse Acts of 1986 and 1988 have provided us with the necessary authorizing legislation.

Sufficient funding has been provided previously so that we are confident that we can successfully build on our previous experience to develop and support a national drug control policy within the context of the Unified Grant Program authorized in the 1988 Act.

There is a legislative mandate that 80 percent of the additional funds, or \$120 million, must be distributed as formula grants to the States and that the remaining \$30 million be used for discretionary grants. Existing legislation requires that the States must not reduce existing anti-drug efforts and that they provide a 50 percent match to Federal formula grants. With the

combination of formula and discretionary grants I hope that at least 30 percent of the additional funding can be applied to demand reduction programs.

President Bush's new budget initiatives provide us other good news. Instead of having only \$90 million available for the Crime Victims Fund, as we originally estimated, we are now certain that we will reach the statutory limit of \$125 million because of a large increase in projected criminal fine collections.

Although, the Office of Justice Programs budget has been significantly modified by the initiatives of the new Administration, there are an array of other activities in the earlier proposal that we must continue to support. For example, law enforcement research and statistical programs are most beneficial to the criminal justice system if they are conducted at the Federal level. A program increase of \$2,000,000 is proposed for the National Institute of Justice to develop less than lethal weapons that can be effectively used in police work. For the Bureau of Justice Statistics program increases totalling \$1,417,000 are requested to implement the redesign of the National Crime Survey, to conduct a nationwide census of jails and inmate characteristics, and to collect more comprehensive data on how Federal cases are handled from prosecution through corrections. The budget proposes to continue the Missing Children's program at a slightly enhanced level. The death benefits for public safety officers that were more than doubled

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by the most recent Anti-Drug Abuse Act are funded in both 1989 and 1990 at a level that should fulfill the entitlement requirements. Administrative services are provided to support the requested programs and to provide for the orderly phaseout for several grant programs that we believe have a relatively low Federal priority or can be funded by the States with their own resources.

OFFICE OF INSPECTOR GENERAL

The budget request includes a new appropriation for an Office of Inspector General in response to the Inspector General Amendments of 1988 contained in P.L. 100-504. Under this Act, the Department is directed to establish the new Office by transferring positions and related resources from five other Departmental components that maintain audit and related investigation functions. Accordingly, the Department will transfer 276 positions and approximately \$9 million in 1989 to fund the Office and make it operational for about half of fiscal year 1989. In 1990, the full year cost of maintaining the transferred functions will be \$18.9 million. To further strengthen the function and effectively manage the merged resources, we are asking for 14 additional positions and \$532,000 in 1990.

Soon after I assumed office, it was apparent that there was overwhelming support in Congress for legislation that would establish an Inspector General for the Department of Justice.

The compromise language that we negotiated with the Congress

dealt effectively with our concern over the protection of certain extremely sensitive matters and allowed us to maintain our Office of Professional Responsibility -- a small office that has functioned with great integrity in circumstances that have, at times, been very difficult.

GENERAL ADMINISTRATION

The last appropriation that I will address in any detail is General Administration. The \$99.3 million dollar request is about \$11 million more than last year's appropriation but it contains almost no new resources to expand routine administrative costs associated with the control and provision of services to an expanding Department. Indeed, I have already taken steps to reduce overhead costs and place more resources at the front line of operations. Budgetary pressures forced me to make these kinds of decisions when I was Governor of Pennsylvania and I plan to apply many of the same approaches in the Department.

The increases that we are proposing involve several programs that are more operational than administrative but which have for various reasons been funded through the General Administration appropriation. The largest overall increase is for the Executive Office for Immigration Review, an Office that has had its work expand steadily since the passage of the Immigration Reform and Control Act of 1986.

Debt collection, which I will deal with separately, will require an additional \$3.5 million. Another 6 positions and \$500,000 is requested by the Administration to support a national study on catastrophic nuclear accidents. Program increases are offset in part by the transfer out of 65 positions, \$3.4 million for financial operations and the transfer in of 1 position and \$80,000 for the national security program in the Justice Management Division. A complex series of mandatory increases, annualization of functional transfers for the Office of the Inspector General, and savings resulting from contracts with the private sector comprise the remaining changes.

DEBT COLLECTION

In our Justice Management Division we are requesting 13 positions and \$3.5 million to enhance the work of a small unit that runs a pilot project to test the effectiveness of using private sector debt collection lawyers and a modern computer system to collect delinquent non-tax debts from deadbeats who resist reasonable requests from Government agencies to pay their debts and must be sued before living up to their financial responsibilities. This is one of the Administration's initiatives to implement the Federal Debt Recovery Act. We believe that this project, which features a central control over our docket of debts and their collection, shows great promise.

While the United States Attorneys are at the front line of our debt collection efforts, other priorities, such as drug prosecution, have left us with few new resources to expand debt collection efforts. Near its very end, the 100th Congress recognized a specific collection problem by earmarking additional resources for the U.S. Attorneys to accelerate asset forfeiture

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and civil enforcement actions leading to the forfeiture of seized assets. This was commendable, but there is a need for a much more aggressive debt collection position by the Federal Government. I am proud that the Department was able to collect over \$479 million in cash in 1988 for delinquent civil debts, judgments, penalties, and criminal fines, and during the first quarter of 1989 we have collected another \$182 million, an amount that is far above the amount collected in any comparable period. Despite the strides we are making, it is distressing that so many debts remain unpaid for years and that unpaid criminal fines are increasing.

OTHER CHANGES

There are a number of components that are relatively small that I should mention. The Parole Commission and the Foreign Claims Settlement Commission are autonomous from the Department in budgetary decisionmaking, but the reduced workload of both these organizations explain why the Administration's request for 1990 is less than the amount provided in 1989. The Community Relations Service, a small organization charged with the responsibility for the resolution of community disputes and the resettlement and care of certain Cuban and Haitian entrants, will maintain its existing program. Finally, the National Institute of Corrections, a component of the Federal Prison System, will continue to provide leadership in improving State and local correctional programs at the current services level.

CONCLUSION

The budget proposed by the Administration represents a careful allocation of Federal resources crafted to obtain a smoothly functioning system of justice designed to focus on high priority areas and to stimulate Federal, State, and local law enforcement efforts in those areas that promise to be most productive.

I would like to thank the Committee for this opportunity to meet with you and present the views of the Department of Justice.

CLOSING OF HEARINGS

Mr. Smith. Temporarily, let me intervene here. We need to do some committee business regarding the closing of some hearings.

Mr. ALEXANDER. I move the Chairman of the Subcommittee be authorized to close the fiscal 1990 hearings, or portions thereof, with the Federal Bureau of Investigations, the Drug Enforcement Administration, the Secretary of State, the classified security and communications items of the State Department's salaries and expenses appropriations and the classified items of the State Department's foreign building appropriation.

Mr. Smith. The rules require a roll call on that.

The CLERK. Mr. Smith.

Mr. Smith. Aye.

The CLERK. Mr. Alexander.

Mr. ALEXANDER. Aye. The CLERK. Mr. Early.

Mr. Early. Aye.

The CLERK. Mr. Dwyer.

[No response.] The CLERK. Mr. Carr.

Mr. CARR. Aye.

The CLERK. Mr. Mollohan.

Mr. Mollohan. Aye.

The CLERK. Mr. Whitten.

Mr. WHITTEN. Aye.

The CLERK. Mr. Rogers.

Mr. Rogers. Aye.

The CLERK. Mr. Regula.

Mr. REGULA. Aye.

The CLERK. Mr. Kolbe.

Mr. Kolbe. Aye.

The CLERK. Mr. Conte.

[No response.]

Mr. Smith. The motion carries. We have Mr. Whitten, the Chairman of the Full Committee, here today. Do you have a statement?

STATEMENT OF MR. WHITTEN

Mr. WHITTEN. Thank you.

I don't know of any group in Congress better than this subcommittee to recommend to the Congress what to do regarding the war

May I point out for the record that our Appropriations Committee provided over \$1 billion right off the bat, before it was authorized, trying to deal with drugs. In the process, the Committee performed an investigation. I don't know whether the results have been provided to you, but certainly they will be.

Having had some experience and some observation here, the first thing we did was see what the need was, and we found 41 departments and agencies of government claimed some jurisdiction over drugs. Every State and every community has their hands out and would like to get money and I am sure practically all of it would be used.

We have got to come up with some idea for a plan. After studying and dealing and investigating and going along with the subcommittee's recommendation, there are some things we just need to think about at this time. Tomorrow the committee will file a report to the Congress, to the Budget Committee, about this situation. I would like to say here for my colleagues' benefit, this thing of a balanced budget would be fine, but we are dealing with paper money with nothing behind it but the country. While we should work toward a balanced budget, we had better give some thought to what we have to have. Some of the recommendations that I read in the press and from some of my colleagues, particularly on the other side, is that we need to balance a budget, paper-money-wise, even if we have to neglect everything in the country. That is not true. And if we are going to let our country go down, we haven't got anything on which to build.

What I would like to do is have a plan, and in order to have a plan, we have to include the banks and all those folks that finance this thing. I am of the opinion that we are going to have to rehabilitate our youth, a whole new generation, in practically every city you can think about and some rural areas. I think we are going to be faced with studying Turkey and some of these countries that have lived with drugs for generations in order to do it. We, in turn, are going to have to see that the government does what is necessary even if we don't succeed in balancing the paper money.

I wish to wish you well. We are fully behind the new drug czar, but in the final analysis it is going to fall back on the Justice department

General, we are glad to see you, and again, Mr. Chairman, I appreciate this chance to make this statement.

STRATEGY OF WAR ON DRUGS

Mr. SMITH. Maybe the Attorney General wants to comment on the plan or strategy for drugs.

Mr. THORNBURGH. I would be glad to, Messrs. Chairmen.

Obviously, the lead agency on the enforcement side of the drug effort has been, is and will continue to be the Department of Justice, but as I indicated in my opening remarks, law enforcement can't solve this problem by itself. And I think the charge that the Congress has given to the new drug czar, Secretary Bennett, to within 180 days come up with a comprehensive strategy which deals not only with enforcement, and we will cooperate to the maximum degree in aiding him in that endeavor, but deals with the demand side of the drug problem—what we must do in educating persons and providing them with rehabilitation and treatment and creating disincentives for drug use among our populace—will be absolutely necessary not only to the efficient use of the resources that this Congress appropriates for use by the Executive Branch, but for the very survival of the next generation in this nation.

We are about a very difficult task of changing values and attitudes toward these substances, and that is going to require a comprehensive across-the-board effort. I will pledge to this committee, as I have to the President, our full cooperation with Secretary Bennett in a difficult task of devising a strategy of the type that Chair-

man Whitten has suggested is necessary and which is embodied in the legislation creating his office, as well as a continued and sustained effort to deal with our responsibilities on the law enforcement side to interdict, seize and prosecute as many of the drugs

and drug traffickers as we can.

And in that regard, I would take note of particular progress being made in the international field to which the chairman referred. The signing last December of the Vienna Convention on Narcotics Trafficking, a document that involved more than 100 nations in its drafting is a significant step. When it is adopted it will impose specific stringent requirements on countries with whom we must deal in the effort to crack down on drug trafficking and the money laundering that accompanies it.

I think the kinds of cooperative efforts that are being undertaken around the world by law enforcement agencies, including our FBI, Drug Enforcement Administration and the Immigration and Naturalization Service and the Treasury, Customs and the Coast Guard and our military endeavors is a reflection of the growing

awareness of the pervasive nature of the drug problem.

It is not just a problem within the United States. I visited about a dozen of my counterparts in law enforcement in the European Community shortly after President Bush asked me to continue as Attorney General, and in each of those countries, there is an increasing alarm over the effect that drug trafficking and drug abuse is having upon their populace and their society.

So I think it is up to us to take advantage of that heightened level of concern and to maximize the impact that we have through cooperative law enforcement efforts throughout the world, and that is a particular area where I am committed to see substantial

progress take place.

BUDGET ALLOCATION

Mr. Smith. Now while we are on this subject, I am sure glad the Chairman of the Full Committee is here. We have in this budget process what we call 302 allocations and after these allocations are made on the functional level, then we have to divide it up among subcommittees, and, of course, the heaviest player in the Congress is the Chairman of the Full Committee, when we get to that proc-

I want to point out, while he is here, and to you, what I am fearful our problem is going to be. We have all this talk about, I don't know where the figure came from, but out of thin air they say 50 percent of drug funding goes to demand reduction. I know more needs to be spent for demand reduction, but in the past, about 30 percent has been spent on demand. When we get to the 302 allocation, if we up that to 50 percent and we don't watch out, the supply side is going to have less than it had before. We are going to have problems explaining what your budgetary situation is around here.

A lot of people still don't know we have task forces out in the field, Federal, State and local task forces, that have made some good arrests, but you just didn't have the resources to prosecute the people that were arrested. I know in one case I read that 11 people were arrested, but the Feds only took two. They said, "You [the States] have to prosecute the others, they are not big enough

for us to handle with our resources.'

We have a real resource problem here. While we all talk about doing more about drug enforcement, if we aren't careful in this budgetary process with the squeeze that we have on resources in FY 1990, you are going to be lucky to end up with the resources that you have this year.

Mr. Thornburgh. Such good fortune I don't need.

Mr. Smith. I know. You are becoming Attorney General at the very time the resources needed are greater and the demand is greater for your resources, and the squeeze is on the money. I see it coming from all sides. In the budget that you talked about, there is \$150 million for State and local drug grants, and another \$20 million for identifying and locating those eligible to receive payments from the Civil Liberties Fund. We are all for both of those, but the source of that money hasn't been identified. Somehow or another we are supposed to get the money from some place else in this budget, and we can't do it. We just can't supply money for those items and still have the increase that is needed for the War on Drugs and for prosecuting cases that involve the S&Ls and stocks and bonds. Those are cases that bring in money, but as long as the whole Congress and the whole country seems to focus only on outlays and not on how much money comes in, why it is very difficult for us to put together a budget that supports the things that you have asked for.

I want to say this at the beginning, I am sure this subcommittee will do the best that we can, and I am sure the chairman will do

whatever he can to help us get the 302 allocation we need.

Mr. WHITTEN. Will the gentleman yield to me? I think the time has come when we are going to have to look at the needs. I think we should work toward a balanced budget, but there are a whole

lot of things worth going in debt for.

I have made a number of speeches in which I said nobody is going to run based on raising taxes, but everybody knows you can't keep spending and not paying. I think we are at the cross-roads where our committee is going to have to face the rest of our colleagues and say we are going to put needs first and do the best we

Certainly this will be considered. I can't speak for the Committee, but I think at this time we are going to have to fund the most important items first and put the others in there when money becomes available. This will put the monkey where it ought to be, that is on the folks that raise the money. We have some serious

things we can't neglect in order to balance paper money.

Mr. Thornburgh. I would just like to add, for the record, Mr. Chairman, that our Department and the law enforcement community in general is extremely grateful for the increases in supplemental appropriations last fall that accompanied the Anti-Drug Abuse Act of 1988. Our principal priority, as the chairman knows, is to see that with those increases in investigators, prosecutors and support personnel are sustained and annualized in this budget. We would hate to have to go back to the situation that the chairman describes, where we did not have enough prosecutors to handle the

cases that were being developed. We appreciate the recognition

that was inherent in that action by the Congress last year.

Mr. Smith. As fortunate as we were to get \$435 million, all we got is what was left over. It is good that you got that much, but that was the way it was.

AUTHORIZATION BILL

Now, as you indicated, your Department hasn't been authorized since 1980. In other words, this has become both the authorizing and the Appropriations Committee. I hope that this year you will get an authorization, because we don't really like to do both. With an authorization, you have a separate bill, and debate on the Floor about various parts of the bill. We can then concentrate on funding and allocating the resources to the various bureaus and agencies of the Department.

Let me ask you, how are you coming on your authorization? Have you made your request to the Judiciary Committee, and are

you expecting to get an authorization?

Mr. THORNBURGH. I hope, but I can't give you, based on the track

record during this decade, any assurance that we will.

Mr. Smith. You have submitted, though, a request for an author-

ization in detail?

Mr. Thornburgh. I believe it is in the process and will be submitted. We are hoping to have some substantive discussions on that for the reasons I indicated. We need, as it were, an updated charter rather than, as the chairman points out, dealing with these things on the Floor.

PROPOSED ORGANIZATIONAL CHANGES

Mr. Smith. Do you at this point know of any major organizational changes that we should be cognizant of before we mark this bill up? We will be marking this bill up before you have an authorization.

Mr. Thornburgh. I understand. I don't think that there are any major organizational changes with just two observations. One, of course, is that a study was mandated by the Anti-Drug Abuse Act of 1988 of the Criminal Division with respect to certain functions that are carried out. A study in general terms of that Division is going forward. It is a Division that I once headed in President Ford's Administration. I have a particular interest in the Criminal Division, the interest being largely to insure we are using our resources in the most efficient and effective manner. But I do not expect anything traumatic in the way of organizational changes.

The second observation is, of course, we will be working with the

The second observation is, of course, we will be working with the new drug czar's office to see that our focus on drug prosecutions is being carried out in the most efficient and effective way possible and that there may well be some minor adjustments as a result of his review. But in terms of comprehensive changes in the operation of the Department of Justice, I think most of those changes will be

at the margins.

I am waiting primarily, Mr. Chairman, for the confirmation and entry into office of a new Deputy and new Assistant Attorneys General in the operating divisions, in effect getting our team on the field before anticipating where those changes might come. But in any event, I think they will not be of any particular moment in

the overall scheme of things.

Mr. Smith. We have a substantial number of members here, so I think I am going to withhold the rest of my questions until the other members have had a chance to ask you questions. We will try to hold within reason to the time limitation today. Mr. Rogers.

DRUG DEMAND REDUCTION PROBLEM

Mr. Rogers. Thank you, Mr. Chairman.

Mr. Attorney General, welcome and congratulations and good

luck.

Back to the drug problem, in spite of the billions that we have appropriated that have been used well by the Department and other agencies of the government on the drug problem, we are still being swamped and almost hopelessly swamped. Twelve metric tons of cocaine in 1984, that grew to 52 tons in 1988. The FBI had 2,800 convictions in fiscal 1987, half the Marshal's Service's work

now is drug connected.

In your own statement, you refer to the depth of the problem, 23 million Americans, almost one in every 10 citizens used an illicit drug during the past month, 70 percent of those arrested for things other than drug charges tested positive for illegal drugs at the time of their arrest, \$100 billion a year to combat illegal drug problems, and yet we are stopping less than 15 percent of the illegal drugs coming into the country. Street sales of narcotics, drugs, rising about \$10 billion a year. We are awash in cocaine, crack, black tar. The purest and cheapest drugs are readily available at ever-decreasing prices, it seems, on the street.

In this city, the Capital City alone, 372 people were murdered last year, more than half drug related, and we are doing better than that this year. The city in which the Capitol is located is being discussed now as the site for martial law by the City Council and Mayor, at a time of peace in the countryside. It is an incredibly pervasive, deadly problem which leads me to the point that I

wanted to try to make with you.

In spite of the best efforts of you and your agencies and the rest of the government, in spite of the money we are throwing at the problem, in spite of education efforts that are going on out there already, and good ones, I just don't think it is possible to win this war unless and until society itself and the cultural mores are modified to make the use of drugs what it used to be, an absolute fiendish idea. We all recollect those old movies of whatever it was that depicted using users of drugs and drug fiends, crazed people, and it scared the rest of us into thinking about the use of drugs.

Today on television, in movies, on the soap operas and in magazines, newspapers and the like, the use of cocaine is considered chic, the in-thing, and that is what the kids are watching. And the teachers in the school who are preaching the other way, and you and the others who are leading the fights on the street to make it illegal or to enforce the laws against the use of drugs are not being effective because those kids are listening to their peers and watch-

ing what seems to be the in thing to be on the nation's cultural shock.

NEED FOR CHANGE IN SOCIETY'S ATTITUDE

So how can we change the attitude of society toward the use of drugs? I realize this is not in your shop, perhaps it is in the drug czar's shop or somebody else's shop, but certainly it impacts on

what you are doing.

Mr. Thornburgh. I wish I had an easy answer to that question, but, as you have eloquently noted, the root problem is one of values and attitudes. The notion has grown up over a period of time that the use of drugs is an admissible life style, and, as you pointed out, role models in the entertainment, athletic and indeed sometimes in public life have sent a message to impressionable young people

that there is no harm in drugs.

Well, there is harm in drugs. As the Congressman knows and has pointed out, the road of drug use is a dead end road. The choice has to be explicitly communicated to those who contemplate the use of drugs that the choice is one between a drug-free life style that permits people to realize their potential and a dead end life style that leads literally to the grave. In many cases, the use of crack, cocaine, our Drug Enforcement Administrator, Jack Lawn, points out is inevitably a death-dealing exercise. The transmission of the deadly AIDS virus through intravenous drug use and the re-use of dirty needles is a death-dealing exercise. And the first step in that journey is taken by immeasurable young people more often than not who see a society that does not condemn with one voice the use of these substances.

I believe that what the Congress undertook last year in the way of new initiatives in user accountability can make a contribution in this regard. It will not change values overnight, but it will I hope cause some persons to think twice before they undertake or continue the use of these substances. The loss of certain identified Federal benefits, the imposition of civil penalties, the kinds of initiatives that are obliged to be undertaken to assure a drug-free work place where Federal contracts are undertaken in excess of \$25,000, the use of drug testing which is designed not only to punish but to identify, aid and assist those persons who are drug dependent can be a first step, an effective first step in raising the ante for the drug user in our society.

I would like the drug user to be looking over his or her shoulder constantly for the law enforcement official or employee or principal, whoever may be there in a position of authority, to present that drug user with his or her share of the bill for this imposition

on our society.

Mr. ROGERS. Looking over that other shoulder, though, I would like to see Hollywood and the soap operas and the magazines and all saying, "Hey, look, what you are doing is absolutely fiendish, no one with any sense does what you are doing." They are being told the other message now by Hollywood and the media, and I realize the government can't tell the media what to do, but it seems to me like the bully pulpit could be used now by yourselves and the President, the formation of some sort of high Blue Ribbon Commission

perhaps that would continually bombard the rest of us with messages about the fiendish nature of the use of drugs much the same as the media did in national service and humanitarian service

My time has expired. Thank you very much.

NEED FOR ANTI-DRUG POLICY

Mr. Smith. Mr. Alexander.

Mr. ALEXANDER. Welcome, General, we look forward to your service as Attorney General and have confidence in your steward-

ship of the Department of Justice.
I learned over the recess that Americans now spends more money on, illegal drugs than we do on food. Other comparisons can be used to illustrate how big a problem illegal drugs use is in

All of us on this committee, and probably every Member of Congress, has conducted some type of investigation on the question of illegal drug use. I have been following it since the early 1970s and conducted a drug abuse prevention seminar in 1972 so have some base line from which to compare the status now as compared to

It is much worse now. Over the recess I reviewed the effectiveness of U.S. anti-drug policy, came up with some conclusions which I would like to share with you. First of all, I think we need a clearer statement of a national policy that is unmistakable to the man and woman on the street. That policy must be compatible with our foreign policy. It is not. Many agree that we are accepting foreign leaders whose policies embrace drug traffic into this country rather

than stopping it.

I think we need a Western Hemispheric Conference of Attorneys General and maybe even heads of State, possibly even parliamentarians, to discuss the U.S. policy against illegal drug use when it is stated. It has not yet been stated. We need more agents in Miami, which is known as Elephant Country. If you want to hunt elephants you go to Miami. That is the cocaine capital of our country, a dubious honor. The special agent in charge stated last week that there are 342 special agents there. I don't know whather that that there are 342 special agents there, I don't know whether that is correct or not.

NEED FOR ANTI-DRUG RESOURCES

I spent several days in Miami visiting our joint task force there together with the DEA agents, and they anticipate an approximate 40 percent increase this year over last year in illegal drug traffic. They could use a doubling of their force there, a doubling of their budget, a doubling of our effort. They are quick to admit that enforcement alone cannot stop the illegal traffic of illegal drugs into our country. We need education and eradication as well. We need more judges. We need more prison space.

more judges. We need more prison space.

Mr. Attorney General, this is Elephant Country, when you ask for those things because this is the committee that provides the money. I think you will find a receptive committee here, and I encourage you to ask for an increase in all those things. As the chairman of the full committee stated a minute ago, the illegal drug problem is the number one problem in America today. It is bigger than the budget problem, and we welcome the opportunity to address that problem.

NEED FOR COORDINATION OF DRUG WAR

We need also, General, coordination among the 41 various agencies in the Federal Government, not to mention the State agencies that have some piece of this action. I find that without exception, the agents—be they FBI, DEA, Customs, INS, Treasury and so on—that have responsibility over drug enforcement are well trained and committed. But, many of them are exasperated with the bureaucracy, the duplication, the lack of direction and coordination with which they are faced. I don't expect that this is your responsibility to do all these things, but I think the statement of policy that I mentioned needs to be made. You need to know that some of us on this committee have been following the problem and are willing to do what we can to assist you in formulating a national policy that addresses the critical problem of illicit drugs in America, and the need to put resources with that policy to implement it and to try to coordinate it in a way that serves our national interests.

With that, General, we welcome you to this committee and look forward to working with you. Thank you, Mr. Chairman.

LEGISLATIVE PROPOSALS TO END ATHLETE'S DRUG ABUSE

Mr. Smith. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

General, I am delighted to have you here and wish you well. I read your statement last night. I am very disappointed with it. It is just a standard statement, in my view. I read your background, and

you have been very involved.

We don't need any more studies, Mr. Attorney General, in your four-year term. We have to do some implementation. We speak about drugs. Why don't you throw the weight of your office behind something like the Rangel bill, which says the professional athlete would be abolished after he was convicted once? Maybe you should urge the colleges to get the NCAA to say if they are convicted of a drug use, they are ineligible to play. Address the problem. I don't think we need complicated solutions. I think we need to implement some of these things. Would you support something like that?

Mr. Thornburgh. I am not familiar with those bills, but any pro-

fessional athlete who is convicted and goes to jail---

Mr. EARLY. Some get convicted three times and then negotiate for a \$1 million contract. That is a disgrace. If they won't address it

that way, why not do it through the Justice Department?

Mr. Thornburgh. The Justice Department's responsibility, Representative Early, is to prosecute people who violate the laws, and we have no hesitancy about prosecuting professional or college athletes who violate the laws. For us to do more than that is exceeding our charge.

Mr. Early. Isn't it for you to suggest legislation that will deal

with justice?

Mr. Thornburgh. Yes.

Mr. EARLY. There should be legislation that would do that. That is your role. We are not moving. I agreed with Mr. Rogers that drugs are a big problem, but all we do is talk about fighting it. Why don't we put in legislation that says they are automatically expelled when they are in school if they are convicted of using drugs? We got to get tough sometime.

PRISON OVERCROWDING

Then on the prison over-crowding, you just talk about the problem. I don't see what we are doing to improve the situation. We are not going to build enough prisons to get away from the problem. And the community treatment centers, I think they are a disaster, Mr. Attorney General. I read your biography; you have been there. They don't work, in my opinion.

During this past week I looked at the electronic monitoring project in Florida. I think we have to explore those routes. I think we need alternatives, General, and I don't think we need to do any

studies to determine what to do.

Let me ask you as a professional, is there anything you know of in the field of Justice that hasn't been studied? Anything? I would

like to find one thing that hasn't been studied yet.

Mr. Thornburgh. I was in the Department of Justice 12 years ago, I served as the Assistant Attorney General in charge of the Criminal Division. Since that time, I have been away from the Department of Justice. I want to make sure I know what the Department of Justice is doing, how it is responding to what has happened during that 12-year interval, and ensure that we are using me monies that you appropriate in the most efficient and effective way possible.

But I am somewhat mystified by your concern that all I want to

do is conduct studies.

Mr. EARLY. You are no different than other administrators. That is all they do. We have a problem, so what do we do? We study it.

Mr. Thornburgh. I must have left an erroneous impression with you, because that was not the thrust of my statement, that we are intent on carrying out studies. We are intent upon investigating, prosecuting and jailing as many people who violate the laws of this United States as possible.

Mr. EARLY. If we get jails to put them in, right? Mr. THORNBURGH. That is part of our request.

Mr. EARLY. We put them in CTCs, that is not jail. It is not really half as bad as house arrest, or a third as bad.

ADMINISTRATIVELY UNCONTROLLABLE OVERTIME

How about the uncontrollable overtime, General? I brought this up five years ago. This is where we lie to the American people. And I am not saying it to be critical of you; it is critical of the system. We have drug agents, DEA and INS agents. Why don't we pay them what their salary actually is? We give them "X" amount of uncontrollable overtime. Every single agent, before he is hired, gets the same percentage. Why don't we pass a law that says they won't get overtime but we'll increase their basic salary, General?

I am sorry to be talking so much. You are the only one with the answers. Why don't we implement it, Mr. Attorney General? Your predecessors all agreed with me, but no one has done anything.

Mr. Thornburgh. You draft a law that raises the level of salaries for agents, Assistant United States Attorneys, and support personnel, to the level it ought to be, and you will have no stronger

spokesman than this Attorney General.

Mr. EARLY. That is what your two predecessors said. I want to give them what they get now. Let's say they get \$30,000, a hypothetical figure, and \$6,000 in overtime. Give them a salary of \$36,000 and let's all stop lying to the people. I think it would be better for your recruitment. I think it would be better in every respect. They are grossly under-paid.

You are aware every single FBI agent, every DEA and INS agent

gets the maximum overtime.

Mr. Thornburgh. You and your colleagues, Congressman, passed a law that mandates, you should pardon the expression, a study of pay schedules within the Federal law enforcement community. That study is going forward, and I hope that it will provide some of the redress that you and I both seek.

Mr. EARLY. But, General, that is a typical study.

Mr. Thornburgh. That was passed by Congress. Mr. Early. Absolutely. We are to blame. We didn't want to implement anything. Why don't we implement? Because, every time we say study, it is a way to avoid the situation.

Mr. Thornburgh. I think you will get some recommendations re-

lated to the pay structure for law enforcement agents.

Mr. Early. I hope so. Mr. Thornburgh. So do I.

ASSETS FORFEITURE FUND

Mr. Early. On the Assets Forfeiture Fund, why should we let everyone get their hands on it? Why shouldn't the entire fund go to prisons? They have no constituency. When we give it to the U.S. Attorneys that is camouflage, that is wrong. Why shouldn't it just go to the running of prisons and then there wouldn't be any suggestion that we use the forfeiture fund to convict people to enforce RICO. Why shouldn't it be just prisons?

Mr. THORNBURGH. Well, the theory behind the equitable sharing portion of the Assets Forfeiture Fund is to promote more coopera-

tion between Federal and State and local officials.

Mr. EARLY. Wouldn't we be doing that if we stopped the public relations and put it into the prisons? Doesn't that help every single

State and Federal agency?

Mr. Thornburgh. It is not my understanding that it goes for public relations. It is my understanding that the forfeited funds return to State and local authorities to support more effective law enforcement by State and local officials. I was a Governor of a major State for eight years and took advantage of that to fund more effective drug efforts at the State level. I think it is a good inducement to cooperation between these respective levels of government to secure an overall greater effort, particularly in the drug field.

Mr. EARLY. Wouldn't we be more responsible putting it somewhere where there is no real sexy appeal? You are like every other Governor, they want to get as much as they can. I don't have a problem with that. I just have frustration over why we don't implement things, General. There isn't anything you couldn't do, with your background, that we would have to study, in my opinion.

We need implementation. We don't have a chance of winning a drug war if your statement about Colombia being run by the cartel is correct. It is not even being run by the people. If the drug deal-

ers have a haven to go to, how can we do anything?

I suggest we have to cooperate with other countries; it is a devastating thing when other countries can look at Colombia and say

the bad guys can win the war.

Mr. THORNBURGH. I will be in Colombia next week, and I hope and expect to extend a cooperative hand to those people. They have a very serious problem down there, and they need our help.

COMMUNITY TREATMENT CENTERS

Mr. EARLY. I hope you get out. General, will you tell me one thing? What is your personal opinion about the Community Treatment Centers?

Mr. Thornburgh. There is a program called "Treatment Alternatives to Street Crime" which the Department of Justice has aided in implementing in the 50 States. It is a program that the Governors have always been enthusiastic about, it takes the firsttime, nonviolent offender and rather than casting him into prison immediately and insuring he will be a permanent life-time charge on the criminal justice system, offers him the chance to get off drugs.

And I think treatment and rehabilitation of that limited group of drug offenders hold some real promise. It doesn't always work. It works enough in the views of those who have been involved in the program to include it as a part of the comprehensive anti-drug

effort.

[The Department provided the following additional information:]

COMMUNITY TREATMENT CENTER CLARIFICATION

The discussion on Treatment Alternatives to Street Crime of course, addresses ways in which first-time, non-violent offenders are given an opportunity to change their behavior before entering the cycle of incarceration and repeated recidivism. On the question of Community Treatment Centers (CTC's), this type of program is used primarily as an alternative to incarceration for those offenders who the court determines need more than probation and less than full institution confinement and for those who are eligible and need a pre-release transition program at the end of their sentences before returning to the community. I subscribe to the long established position that there is a definite need for CTC's for these types of individual.

PROSECUTIVE GUIDELINES

Mr. EARLY. My final question: My criticism of your statement is that it is a typical statement. How can we fight drugs, when as Chairman Smith said we arrested 11 and only prosecuted two, because that is all we had the money for?

Mr. Thornburgh. Only prosecuted two Federally.

Mr. EARLY. At the same time, I read in the paper we just detected five kilos of marijuana, but it wasn't enough for the Feds to prosecute. I heard from the U.S. Attorneys that we have a city where, if they embezzle up to \$100,000, we don't prosecute. If we don't pay the U.S. Attorneys, how can we come in looking to

expand our efforts?

Mr. Thornburgh. I tell you why. I have been a United States Attorney and a U.S. Assistant Attorney General, and as Attorney General, it is not my view every offense that could be prosecuted Federally should be prosecuted Federally. We have a system wherein very effective, increasingly effective State and local law enforcement officials are able to do their share. The notion that every single technical violation of the law should be prosecuted in Federal Court would cause a breakdown in that operation.

One of the reasons I am enthusiastic about the equitable sharing portion of the Assets Forfeiture Fund, for example, is that it brings Federal, State and local officials together in joint efforts through operations like our Organized Crime Drug Enforcement Task Forces and the Law Enforcement Coordinating Committees established by each of the U.S. Attorneys with the recognition that many cases developed by Federal agents can be turned over to local

prosecutors for prosecution.

Similarly, oftentimes local cases will be made that exceed the resource capabilities of local prosecutors, and they are given to the U.S. Attorneys. That kind of interchange would not occur if there weren't a day-to-day working relationship between and among these different levels of law enforcement.

I think the notion that every case that could be prosecuted in the Federal Courts must be prosecuted in the Federal Courts would

cause our system to grind to a halt.

Mr. Early. I agree. I think it is much harder for a U.S. Attorney not to prosecute. I don't think enough of them have the courage not to prosecute, because the only thing they can get criticized for is if they drop it and don't prosecute. That would allow them to table the ones that should be acted on first. I agree with that type of autonomy. I think we have trouble when we are not giving the law enforcement people the autonomy they need.

My comments are not personal attacks, General. We are just not

making any progress.

Thank you, Mr. Chairman.

OVERTIME PAYMENTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Mr. Smith. Mr. Kolbe.

Mr. Kolbe. General Thornburgh, thank you very much.

Welcome. I am going to take my time asking questions on your statement. Let me begin with one of the items in the summary which refers to the statement that you are going to pay overtime for State and local agencies for drug enforcement activities. I think currently the law allows you to do that only for anti-terrorism assistance—is this an expansion? Are you seeking this in legislation or are you seeking this in appropriations?

Mr. THORNBURGH. I am advised that it is nothing new.

Mr. Kolbe. Your summary says current language allows such payments for those agencies involved in terrorism investigations.

Are there payments now being made to local law enforcement

agencies for overtime?

Mr. Thornburgh. Yes, through the Organized Crime Drug Enforcement Task Forces which are agencies that involve 11 federal agencies and State and local counterparts in areas where they are operating.

Mr. Kolbe. Can you tell us what the paragraph then on page 3 of your summary refers to when it says language is requested to extend authorization? Are you expanding it or just continuing

what you are now allowed to do by law?

Mr. THORNBURGH. That is in the FBI appropriations request which relates to their ability, which is restricted now only to terrorism activities. They seek it for other activities.

Mr. Kolbe. Including drug investigations?

Mr. THORNBURGH. Yes.

Mr. Kolbe. It would be helpful to me if you would tell me what you anticipate that costing? Obviously I represent a border district that is being deeply affected by the costs of drug enforcement. They are horrendous everywhere, but along the border in small communities with very small tax bases and an overload of problems, they are badly hurt by this problem and this would be a helpful effort.

Mr. THORNBURGH. Sure. Let me see if we can give you a little

further help on that, Congressman.

[The information follows:]

Funding for Assistance to State and Local Law Enforcement Agencies Involved in Terrorism and Drug Investigations

The 1990 budget request for the Federal Bureau of Investigation seeks authority to expend not to exceed \$500,000 for payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations.

EQUITABLE SHARING PAYMENTS

Mr. Kolbe. Thank you.

Staying in the area of drug questions, on the Assets Forfeiture Fund, I am confused. What portion of the Assets Forfeiture Fund that is being expended is currently being made in payments to state and local agencies to governments?

Mr. ROPER. It is estimated at about \$120 million for fiscal year

1989.

Mr. Kolbe. Do you anticipate that staying the same? One of the things we have been telling our local agencies as a reason for participating and cooperating with your agencies is that they are going to have a financial incentive for doing so. Yet I see in your statement that although you say, "Please don't dip into the Assets Forfeiture Fund," it looks like you are going to try to draw on that fund for other uses: prisons, marshals, attorneys. Do you anticipate a decrease in the amount of money that would be available to make payments to State and local agencies?

Mr. THORNBURGH. No, in fact that amount is scheduled to in-

crease slightly next year.

Mr. Kolbe. Slightly?

Mr. Thornburgh. Yes. The biggest chunk out of the Assets Forfeiture Fund is the congressional directive that unobligated balances in excess of \$15 million, an amount we estimate at \$136 million will go to the new drug czar's office.

Mr. Kolbe. How much goes to the new drug czar?

Mr. Thornburgh. \$136 million.

Mr. Kolbe. Can you tell us what was in the Assets Forfeiture Fund last year?

Mr. ROPER. Last year it was \$207 million in receipts.

Mr. Kolbe. Over half of it will go to the new drug czar. How are you going to expand the amount going to state and local govern-

Mr. THORNBURGH. That is nothing. Mr. ROPER. The estimate for 1989 is that \$450 million in receipts will be realized by the Fund and in 1990 the estimate is \$470 million. Out of that \$470 million, \$136 million is estimated now to go to the drug czar at the end of 1990.

Mr. Kolbe. \$470 million is what we will have in the fund. That is accumulated from previous years. Did you say that is what is going

to be added to the fund in 1990?

Mr. Roper. Yes, sir. \$470 million is the estimated fiscal year 1990 level of receipts.

Mr. Kolbe. What was the figure of \$207 million?

Mr. ROPER. \$207 million was the level of receipts in fiscal year 1988.

Mr. Kolbe. You expect that kind of expansion in 1989 and 1990;

Mr. ROPER. Yes. It is based on Congress' action that added 175 new Assistant U.S. Attorneys in the Anti-Drug Abuse Act of 1988. That is the \$22 million specifically earmarked for asset forfeiture

Mr. Kolbe. General Thornburgh, are the U.S. Attorneys the key

to increasing the Assets Forfeiture Fund?

Mr. THORNBURGH. They are in terms of realization on forfeitures, yes. That is why I indicated we are pleased the Congress provided the additional slots. I have talked to a number of U.S. Attorneys who are very anxious to capitalize on the forfeiture program. It has been an extremely successful program and does, as I have noted on more than one occasion this morning, have the additional side effect of promoting closer cooperation between federal, state, and local officials.

PRISON CONSTRUCTION

Mr. Kolbe. General Thornburgh, turning to the subject of corrections and prisons. You suggest that you are requesting \$231 million for new construction. I add up the number of additional beds that would be provided to that, expansion of existing institutions and leasing and it doesn't come out to the number you say you need in terms of additional beds.

However, on the next page of your statement, page 25, you note the average daily population projection for 1990 is 56,400, an increase of 10,000, of 10,000, not the 6,700 you say you need in additional beds. My question is A, even if we started today and broke

ground on those two prisons, how could you possibly have them in 1990 and, B, what are we going to do with the others even if you

could have them available in 1990?

Mr. Thornburgh. I think what the request indicates is that we are attempting to implement the President's goal of over a period of time bringing our prison capacity up to where it should be in recognition that it would be difficult to do that within one fiscal year.

This represents a substantial movement in that direction. But by

no means does it solve the problem at one fell swoop.

Mr. Kolbe. You are requesting—it is not clear to me. Are you requesting \$231 million for construction of two new facilities? I think your Comptroller says yes.

FINANCIAL INSTITUTIONS FRAUD

One final question to let you know I have an interest in some

things other than drugs.

You have been quoted rather extensively on the subject of fraud in our financial institutions, the savings and loan problem. You are requesting \$50 million and 760 new positions to investigate and prosecute these abuses. In your opinion, is that a cost effective use of dollars? I think you have been quoted as saying you don't think we are going to recover that much.

Mr. Thornburgh. I think if you measure it strictly in terms of financial recovery, you would have some cause. But if you measure it in terms of our inability to bring to justice those people responsible for the fiasco in the savings and loan area, then I think it is

cost effective use.

We simply, in enforcing the law and in punishing those responsible in many cases for egregious criminal activities that caused the failure of many of these institutions, need additional resources. These are complicated cases involving the use of highly proficient agents and experienced prosecutors and they simply can't be prosecuted the same way as a car theft case or street bust in a narcotics case. They are expensive.

The President has made clear that he feels that the enforcement of the law against those persons who were responsible for any of these failures is important irrespective of whether or not you are

going to get 100-percent return on the dollar.

My own sense is that most of these funds, and I hope I am pleasantly surprised otherwise, have been frittered away, concealed or otherwise disappeared. So from a cost effectiveness point of view, if you are going to put it on a dollar's return for a dollar invested basis, I would be reluctant to predict that would be the case. Mr. Kolbe. I agree with you, but I think that point needs to be

Mr. Kolbe. I agree with you, but I think that point needs to be made repeatedly. I know as I talk to people over and over again their view is, if we would just go after those criminals, we could solve the problem and there wouldn't be any need for a bail out of the savings and loans. Obviously, this is not going to solve the problem. I think we need to make that very clear.

ANTITRUST DIVISION FUNDING

Mr. Smith. Mr. Carr.

Mr. CARR. Thank you, very much.

I might say, General, that I am as concerned about drugs and drug enforcement as everyone else but I think you have been pretty well exhausted on that particular topic and I would like to turn to a few other matters.

I noticed in your statement on page 20 that you are essentially proposing a current services budget for the Anti-trust Division, and I would also note you are picking up some important jurisdiction and decision making responsibility with respect to aviation in this country.

Don't you need a few more dollars to carry out that?

Mr. THORNBURGH. I am assured by the leadership of the Antitrust Division that the budget request is appropriate.

Mr. CARR. Did you have a discussion with the head of the Divi-

sion with any degree of specificity about airline mergers?

Mr. Thornburgh. No. Understand that we will have new leadership in place in the Antitrust Division as soon as the process of nomination and confirmation goes forward and those discussions, I think, would be more fruitful at that time.

Mr. CARR. Well, I want to signal to you that this Member of the committee would like to talk with you and the head of your Division further about this because I am worried that you may not be

adequately resourced to carry out the new functions.

I am not the only member of this particular panel who also serves on the Transportation Appropriations Subcommittee, so when I see one major chunk of responsibility shifting from one cabinet department to another I don't see any shift in dollars to go

with it, I get a little concerned.

In that particular light as well, I would like to raise to your attention and ask that you direct your Division to give some major attention to not only the airline mergers themselves to assure competitiveness in our deregulated airline industry, but also a companion concern about computer reservation systems. There is a growing consolidation in the computer reservation systems environment which could be very anti-competitive and cost a lot of people a lot of money.

TELEMARKETING AND COMPUTER FRAUD

Similarly, I would like to raise also to your attention the whole area of telemarketing fraud, the devices that are being used by fraudulent operators. I am sorry, I don't have the date of this article, but it appeared in the Washington Post. I understand that the New York State Attorney General and the Maryland State Attorney General are trying to move in this area, but when you get to people who are laundering stuff into Visa and Mastercard it is serious. I understand some of the estimates are total costs of about \$1 billion a year in telemarketing fraud.

And similarly with the whole area of computer viruses, white collar crime is taking on a high tech tone to me that is going to

require additional resources by your Department.

COMPUTER VIRUS

I might comment to your Department to see if we can't get a reaction about a proposal made by my colleague from the other side of the aisle, Congressman Herger and myself, on computer viruses and just computer fraud, the hacker that gets into the bank's main

frame computer and starts shifting dollars around.

It is very troublesome and if we are going to maintain confidence in our financial institutions, it certainly has to do not only with fraudulent operators of S&L's but it has to do with the degree people have faith computers are carrying out their responsibility and with great integrity.

Looking through your budget, I worry that there are going to be sacrifices up to the fight on drugs and I am all for doing all we can to help the fight on drugs and I am putting my vote second to no

one in this committee in trying to fight that fight.

There is a lot of other stuff going on here that we can't take our eyes off of either.

FUNDS USED IN COMMODITIES FRAUD OPERATION

I would like to ask you to supply for the record and to supply me, if you can, the amount of money that was used as capital and either consumed or gained as a result of the FBI sting operation at the American Mercantile Exchange and at the commodity exchanges in Chicago. If my reading of the newspaper accounts is correct, those agents were in the trading pits during the October 1987 crash, and I am just wondering how they had to operate with funds presumably appropriated by this committee. They were operating as traders, buying and selling futures. I just wondered, if they made us money or lose us money and by how much? How sharp were they? There is a seriousness behind the question. It isn't totally frivolous, and that is-I mean it is one thing to hand over large sums of money in terms of drug deals going down that you are trying to nab people and you can keep that pretty much under con-

But if the Federal Government goes into high stake sting operations in financial markets, you could cost us a lot of money here. I think the committee would like to know how much it consumed or maybe they got lucky and maybe we won.

[The information follows:]

FUNDING OF UNDERCOVER OPERATIONS

Public Law 100-459, October 1, 1988, provides appropriations to the Department of Justice for 1989. Section 204 of this Act extends the provisions of the Department of Justice Appropriations Authorizations Act of 1980 and provides extensive additional laws of the Federal Laws of the Fe

tional language authorizing undercover investigative operations of the Federal Bureau of Investigation and the Drug Enforcement Administration.

Sectino 204(b)(1) authorizes the use of appropriated funds to establish business enterprises as part of undercover operations and allows such enterprises to deposit proceeds in banks and other financial institutions as well allowing such enterprises to pay necessary and reasonable expenses. Stringent safeguards are established for such operations. Sections 204(b)(2) and (3) specify the conditions under which proceeds of such operations shall be deposited to the Treasury of the United States as miscellaneous receipts. Section 204(b)(4) provides for the conduct of a detailed financial sudit of each undercover operation closed in fiscal veget 1999, and for examples. cial audit of each undercover operation closed in fiscal year 1989 and for reporting to Congress the results of each audit within 180 days after the operation is closed.

This section of the legislation also specifies a number of items to be included in an

annual report to Congress by each component.

Because the investigation at the Chicago Mercantile Exchange is ongoing and has yet to be adjudicated, it would be inappropriate at this time to identify the cost of the investigation or any proceeds gained through the operation. Once the operation is complete, a detailed financial audit including this information will be submitted to Congress.

WITNESS PROTECTION PROGRAM

The last comment I have relates to the witness protection program and I asked this of your predecessor, too. When a witness is taken into the witness protection program and as part of the deal they are released from incarceration, what is the policy if they break out of the witness protection program? Are they returned to incarceration or are they just let go?

Mr. Thornburgh. Well, if they commit a violation of the law,

they would be prosecuted on that offense.

Mr. CARR. Obviously, if they were apprehended. But if you have a situation where somebody, in exchange for information, is released from prison, set up with a new identify and then he eventually doesn't go straight and begins to violate the terms of the contract, if you will, why isn't that person apprehended and returned to incarceration?

Mr. Thornburgh. If they were released on probation and violated the terms of their probation, then they would be returned. It would depend on the individual case. There are a variety of circumstances that could occur if they, as I said, commit new crimes, they are subject to prosecution. If they violate the terms of their probation, parole or whatever, the conditions under which they were released from incarceration, they would be subject to various sanctions.

Mr. CARR. Well, I have a particular case in mind, General, and at some point I would like to discuss that with you and your representatives because I don't think it is appropriate in open session here, but I am aware of at least one case where a person busted out of the program, did not immediately commit crimes, was not returned to incarceration and ultimately murdered two people.

Mr. Thornburgh. I share your concern about that.

Mr. CARR. And, quite frankly, General, every time I saw that Willie Horton act this last year I kept thinking about the last Administration's transgression which resulted in some innocent people being killed and it just infuriated me. I want to make sure that the witness protection program is as tight as it can be and that hardened criminals are not returned to the street.

Thank you, General.

DRUG INTERDICTION CONVENTION

Mr. Smith. Mr. Mollohan.

Mr. Mollohan. Thank you, Mr. Chairman. General, you refer in your opening statement, pages 11 and 13, to the United Nations convention on drug interdiction and mention that the convention commits the signers to the enactment of new legislation where necessary and to increase cooperation among law enforcement officials. One, would that requirement of new legislation apply in any

way to the United States and, two, to what countries might it

apply and what sort of legislation are we talking about?

Mr. Thornburgh. The convention language on restrictions on production, manufacture, transshipment, sale and distribution of drugs and the accompanying provisions that deal with money laundering are very nearly exact counterparts of existing United States law.

If there is any adjustment that was necessary, it would be minor and technical. One of the advantages of the drug convention to the United States is that it raises the standard for investigation and prosecution of drug and money laundering offenses in other coun-

tries to that required in the United States.

The signatories to the convention number some 108 or 110, I am not precisely sure what the exact number is. It includes all of the major nations of the world, both drug producing and drug consuming, and upon ratification or adoption, will promote a degree of uniformity with respect to the types of offenses and to the responsibilities imposed upon the countries for extradition, for the abrogation of bank secrecy laws which often in the past have provided a barrier to effective investigation and prosecution of money laundering offenses.

With respect to the ability to detect drug shipments in commercial cargoes and with respect to continuing obligations with regard to eradication and demand reduction programs, it is a fairly comprehensive catalog of these types of undertaking which we as a nation were interested seeing included in the convention.

Mr. Mollohan. If it is implemented as anticipated in all the signatory countries, to what extent do you see this as a major contri-

bution to our war on drugs on an international level?

Mr. Thornburgh. I think it is a substantial contribution once it has been effected and adopted by the signatory countries because it does do away with a lot of the hurdles that have been in the past troublesome in gaining cooperation of other countries in our own overseas law enforcement efforts. That is to say, when you have a uniform set of laws, it is much easier to induce cooperation by law enforcement agencies in a country where that is true than it is where they are unfamiliar with the types of offenses that you are interested in prosecuting.

Secondly, the adoption of the convention will with one thrust impose extradition obligations on the signatory countries that would have taken decades to negotiate on an individual basis.

And the same goes with neutral legal assistance, the furnishing of evidence, the making available of witnesses. It is, I think, in the view of those who worked on the bill in the Department of Justice and the Department of State, and in my own view as the signatory for this country, a significant step forward.

It is not going to solve all the problems overnight, nothing is. But it does represent a substantial step forward in the international

sphere so far as effective drug law enforcement goes.

PROBLEMS RESOLVED BY THE CONVENTION

Mr. Mollohan. Could you relate one or two examples of the biggest problems resulting from a lack of cooperation or uniformity

and how the convention might address it?

Mr. Thornburgh. Well, one of the major problems is that offenses that are enacted by the Congress in the United States are not offenses in other countries and therefore the degree of enthusiasm for cooperation in joint law enforcement efforts is much less. It is as if we were asked in the Department of Justice to assist another country in the enforcement of their laws that were at odds with what we have in the United States.

If the Ayatollah were to come to me and say we want your help in securing the death of Mr. Salman Rushdie, I wouldn't be enthusiastic about offering that kind of cooperation because that is not only at variance with our laws, but with our Constitution and principles. That is an extreme example of course, but there are countries where the level of enforcement and specificity of the offense has to be pursuant to the convention, raised to the level that we have in the United States.

Mr. Mollohan. I suppose this promotes cooperation.

Mr. Thornburgh. Yes, it does. There is a great deal of cooperation in many areas now going forward but clearly the obligations imposed by the convention call for much greater cooperation and

the political will to see those activities go forward.

On money laundering—which is not an offense in many countries around the world, but is extremely important from an enforcement point of view to visit sanctions on drug traffickers that really hurt them in the pocket book—the abolition of the bank secrecy defense which we have encountered in years past and investigations into the financial maneuverings of drug traffickers is now possible. I would be glad to furnish to you in detail an appraisal of the convention which I think holds great promise for increasing our capability in the international area. But those are some of the high points.

YOUTH GANGS AND DRUG DISTRIBUTION

Mr. Mollohan. Interestingly, I heard an interview coming in this morning of the governor of your home state, Governor Casey, and several people talked to me about youth gangs, particularly youth gangs from Los Angeles and what role they play in drug trafficking. He was speaking, or he was relating an instance where a youth gang from Los Angeles or so-called youth gang had actually set up a drug distribution system in York, Pennsylvania. This sounds like a very highly sophisticated operation to me and I am wondering what steps the Department had taken to investigate the role of gangs and particularly how these gangs have developed such sophisticated marketing system?

Mr. Thornburgh. To the extent that the gangs are involved in drug trafficking, they will be the subject of a report that I have requested from each of the United States Attorneys across the country on the business structure of the drug trafficking business

within their particular district.

ANTONIO STORY

I told them I wanted a Dun and Bradstreet, in effect, of the drug trafficking organizations so that the public, the Congress, and other law enforcement agencies would be made fully aware of the degree of sophistication and the complicated nature of these organizations.

It will cover not just gangs but traditional organized crime operations—the so-called Jamaican posses and the variety of Asian groups that now have moved into drug trafficking. I think it will make a useful contribution to a better understanding of the nature and extent of these kinds of operations and lay a blueprint for effecting targeting of federal resources in this regard.

The gangs, of course, to the extent that they are involved in drug trafficking are subject to federal law and have been prosecuted particularly in the Los Angeles area and to the extent that they are inter-state or multi-state in character, they violate the federal racketeering statutes and will be pursued in other areas as well.

I think that probably the most dramatic effort made by federal law enforcement was the crack down on the Jamaican posse last fall where over 300 individuals were prosecuted who had established themselves in a number of cities across the country after immigrating to this country from Jamaica and obtained a virtual monopoly on the crack-cocaine trade. Substantial amounts of firearms, drugs, cash and other paraphernalia connected with these efforts were seized as a method of ratcheting up sanctions for that kind of activity.

We would hope to see those kinds of efforts go forward and they are currently being pursued by investigative agencies and the U.S. Attorneys.

APPEARANCE OF CHAIRMAN LEHMAN

Mr. SMITH. We have the Chairman of the Transportation Sub-committee here who has a question or two.

Mr. Lehman. Thank you Mr. Chairman and Members of this subcommittee for letting me appear today. I have a statement that I will also submit for the record and a number of questions I will submit for the record.

[The information follows:]

STATEMENT AND QUESTIONS FOR THE ATTORNEY GENERAL

OF THE UNITED STATES

HONORABLE WILLIAM LEHMAN

February 28, 1989

Mr. Chairman, I very much appreciate the opportunity that you have afforded me to briefly discuss with the Attorney General a problem of great concern to the Black Community in Miami and all of Dade County, Florida. This is the problem of the unequal treatment of Haitian refugees seeking political asylum in the United States, as compared to other nationalities. I understand that some of these inequalities may have been mitigated by changes you implemented in the past few days, and I hope you will touch on that in your answer to my questions.

Haiti has a history of tyranny and political oppression. A few weeks ago, in the Foreign Operations Appropriations Subcommittee, I questioned representatives of international human rights organizations about human rights in Haiti.

They responded that death squad activity has recently increased; that the dead bodies of the victims of political murders are frequently left for hours in the streets to freighten and intimidate others; and that the threat of persecution to Haitians who return to Haiti is real and severe. Yet, because of current federal policy, very few Haitians are able to successfully apply for political asylum in this country.

Earlier this month, our South Florida Congressional delegation, black leaders from Miami, and members of your staff, including Deputy INS Commissioner Jim Buck and Tom Boyd, your Assistant for Legislative Affairs, met down the hall to discuss these matters. We found your staff attentive and concerned. My purpose today is to bring these matters to your personal attention so that the necessary changes in U.S. policy can be made to insure Haitians equal and fair treatment.

The treatment of Nicaraguans has been in sharp contrast to the treatment of Haitians. Nicaraguans were allowed into the country, permitted to retain legal counsel and advice, and have been allowed to await their hearings free to move about the community—in many cases, free to travel around the country and even to hold down jobs.

By contrast, Haitians were and are today intercepted at sea, given a hearing that amounts to what my colleague, Senator Pepper, describes as a "kangaroo court of sorts" and then sent back to Haiti. No expert counsel, no assistance, no appeal, no nothing. It may be legal, but it doesn't seem fair.

I visited the Krome Avenue INS Detention Center last Friday with Deputy Commissioner Buck in preparation for this hearing. The majority of detainess there, as you know, are Haitian.

To the Haitian and Black communities in Dade County, this unequal treatment appears to be discrimination based on race and an impoverished accommic status. I hope you will be sensitive to these concerns and take them into account as you review our immigration policies and make recommendations to President Bush for changes.

I have a few questions, to which I would like to have your response:

DETENTION OF HAITIANS

Mr. Lehman. I would like to make a brief statement and maybe ask a couple of questions. The reason that I am here today is that long before the disturbance in Miami during the Super Bowl, I talked to members of the black community in Miami and they warned me about the problems that were in that community based on the differences on perception of differences in treatment that was afforded the Nicaraguan refugees and that which was afforded the Haitian refugees. Since that time, I had people come up from Miami and meet with members of your Department and your office and members of the INS staff. They met with a group of black elected officials from Dade Country about the problems as they perceived them, which are very serious.

Resulting from that meeting, I visited with your assistant as well as some of the people in Miami from the Krome detention center. And from that visit, I would urge a much stronger effort to release the Haitians pending the outcome of their cases, particularly if they have no criminal record and if there are sponsors who would take responsibility for them. I understand this has been done for

other groups such as Nicaraguans and Cubans.

My question is: Will the Justice Department look into ways to implement such a policy for the Haitians? And I might add in my several visits, for your information, the facilities there have been upgraded a great deal and I was very pleased with the nature of the facilities there. Nevertheless, an institution is an institution, and they are held there if they seek asylum beyond their will.

Mr. THORNBURGH. Representative Lehman, we are aware of the problem and thank you for your cooperation in bringing this to our attention. We will certainly keep an eye on it and be sensitive to

the needs that you have outlined.

Mr. Lehman. When Haitians are released into the community, pending decisions in their case, will the INS perhaps issue work permits? If you accelerated the releases of Haitians into the community, do you have any process for issuing work permits for the Haitians entering the community as has been done for some Central American refugees?

Mr. Thornburgh. That depends on their status when released. If they are found to be legally within the United States, they are entitled to work permits but if they are not, they would not be.

Mr. Lehman. I have one final question now, Mr. Chairman.

One of the things I learned when I was out there last week was that 7 percent of the Haitian detainees arrived by airplane and were taken into custody by INS at Miami International Airport. Although the State Department does not provide entrance visas from Haiti, do you think it would be useful for people traveling from Haiti to the United States by air to have at least pre-clearance in Haiti such as those who arrive from Canada or Ireland?

I think it would be preferable to prevent the people coming to this country from going through the heartache and process after they get here and then have to be returned as most of them are. This could be prevented by having a pre-clearance process in that country and then they probably would not leave in the first place. Mr. Thornburgh. I don't think that I can answer that. I think what would be needed is a better explanation and understanding of what the law provides so people should not be misled into thinking that all they need to do is show up on our shores and they would be entitled to admission.

I think there is a lot of misunderstanding among people who come here as to what the law is. I think you clearly sketched the risks that may be run by people who have fears of persecution and come to this country, if they would have to state that concern in their native country.

PERSECUTION IN HAITI

Mr. Lehman. It is fairly well known and accepted that Haiti has a history of tyranny and oppression. In our subcommittee hearing I questioned representatives of the human rights organizations about Haiti. They responded that that activity has increased and there are victims of murders left on the street to frighten other people. So there is not just a perception. There is persecution in Haiti.

One of the reasons for the problems in Miami and the unrest we

One of the reasons for the problems in Miami and the unrest we have there is that the treatment of refugees from Haiti, at least in the past months and years, is different from the refugees from Marxist or socialist Latin America.

As long as this disparity exists, we will continue to have problems in Florida and certainly these problems will be reflected throughout the rest of the country.

Mr. Thornburgh. I would hope that some of that would be reduced by the steps taken last week to contain the traffic of illegal persons over the border in south Texas where the traffic to Miami results from the inability to process those claims in south Texas and the people went to Miami.

Mr. Lehman. Jim Buck was very helpful. There is also testimony or evidence from the black community to object to what many see as preferential treatment of the Nicaraguans. They want the same level playing field for the black refugees from Haiti and other parts.

Mr. Thornburgh. I think that is a goal we share so long as we follow the law calling for a case-by-case determination. We are looking at legislation we may ask to be submitted to create a new category of persons entitled to admission in this country to pursue our long-term foreign policy goals. That may provide a safety valve for the type of persons you described.

Mr. Lehman. I want to thank the subcommittee for its indulgence and I want to thank the Attorney General for his cooperation and especially his staff, which I have worked with in INS in Miami as well as up here in Washington.

Mr. THORNBURGH. I am glad to hear that.

INS INVOLVEMENT IN WAR ON DRUGS

Mr. Smith. Mr. Attorney General, one might think from reading this record that all you do in your Department is perhaps help State and local police to arrest criminals, but perhaps you have a lot more under you than that.

I want the record to reflect that the INS is an important part of this drug enforcement policy, that is something like I think 60 percent of all the people intercepted by the INS, and we have not asked you many questions about that this morning, maybe that

means they are doing a good job.

Mr. Thornburgh. We have asked for additional funding to permit INS to more effectively participate in the task forces that

are run on a cooperative basis.

Mr. Smith. My reaction is that you asked for less for Border

Patrol, right?

Mr. THORNBURGH. Yes. That reflects the decreasing apprehensions as a result of the 1986 act. At the same time we are asking for additional appropriations for their participation in the Organized Crime Drug Enforcement Task Forces.

Mr. Smith. Then that has made a difference.

Mr. THORNBURGH. It would appear so, particularly the employer sanctions portions which have decreased the magnet of U.S. businesses to persons who seek to enter the country illegally.

USE OF SPORTS ORGANIZATIONS IN DRUG WAR

Mr. Smith. We have reorganized this drug effort I don't know how many times in the last few years, once a year it seems. DEA used to be separate. There is no magic in reorganization. What you need is resources for each agency to do what they are supposed to

I don't think just appointing the czar is going to solve any big problems. It will help perhaps to get more attention on the problem and it puts one person in as responsible for coordinating strategy. But there is not going to be any magic in that. What we are going to have to have is resources. I was interested in Mr. Early's

comments about sports.

Sports figures are looked up to and maybe something can be done. I don't know what your attitude could be toward it but after all we do give exemptions to antitrust laws for these major sports organizations. As a requirement to continuing their exemption under antitrust laws they could be expected to provide some leadership in making examples of those of these people violating the drug laws, do you agree with that?

Mr. Thornburgh. I would hope they would do so. Lest I be misunderstood, there is no hesitancy on our part to use the user's pro-

visions of the 1988 Drug Act when appropriate.

Mr. Smith. That might be something you might want to consider in your authorization.

Mr. Thornburgh. Yes.

* ...

STATE AND LOCAL USE OF EQUITABLE SHARING FUNDS

Mr. Smith. With regard to forfeiture funds; some people think that all there is in enforcing drug laws is to make arrests. Then they are aghast when I tell them what it costs after the arrest. That starts the costly part of the process. You have to have incarcerations, prosecutions, prisons, corrections people, parole people. That is the expensive part. What I am wondering is, and at the risk of saying the word "study" if maybe you could make a twoweek study or a short study to tell us how these forfeiture funds

are being used by the State and local governments.

Mr. Thornburgh. I think we can probably give you that. We will make an effort to give you as good a fix as we can. I don't want to offer promises because we are dealing with a vast array of State and local agencies.

Let's see what we can do.

Mr. Smith. In some instances they want to take the money and put it all in one little pocket. They have responsibilities too. It is not only police departments but they need to prosecute some of those cases after busts are made. They need prisons. They need corrections people.

I just wonder how they are using the money.

Mr. Thornburgh. There is a little bit of a glitch here because in many States, the State forfeiture laws provide that those funds should go into the general fund! They are not returned to the criminal justice system. There is a little bit of a back and forth now about the agencies that are entitled to these monies.

Mr. Smith. If giving them the money instead of using it ourselves is not going to drug enforcement, then maybe we ought to reconsider whether or not to give them the money or perhaps to attach conditions to it. We can do that, too, even in an appropriations bill if we have to, although we would rather do it in some other way.

I just want to say that we have dwelled heavily on our concerns with the drug problem but this subcommittee is well aware that

that is not your only problem.

We want to cooperate with you with regard to your various problems. We don't want to downgrade the other problems just because the drug problem is capturing the attention of the American people. It goes far beyond that.

[The information follows:]

How Assets Forfeiture Fund (Equitable Sharing) Monies and Property Are Bening Used by State and Local Governments

On March 8, 1989, the Subcommittee's staff was provided two copies of a study titled Department of Justice Assets Forfeiture Fund Report In the Equitable Sharing Program. Pages 7 and 8 of the Report detail the law enforcement uses to which equitable cash and property are applied. The two most significant uses are (1) the purchase of equipment and (2) increase of fleet size.

NEED FOR DRUG WAR FUNDING

Mr. Alexander, I yield to you.

Mr. Alexander. Mr. Chairman, I certainly agree with the other statement that you have other problems Mr. Attorney General. But we are faced with an epidemic in this country in the illegal trafficking and use of drugs. At the risk of being redundant, all Members of Congress, I guess all of them travel around to colleges and universities. You can't go to a campus anywhere, you can't go to Jonesboro, Arkansas, without finding drugs commonplace in schools.

If you talk to students, they will tell you that everyone can buy drugs. It is not something that is unique or difficult to achieve. It is commonplace. It is in the epidemic proportions. I frankly think we cannot overemphasize the importance of this epidemic in our country. We need to do more this year in this committee to support our efforts.

If your efforts are to request more money, I intend to support them. If your efforts are not to request more money, then I intend to offer such amendments. I want to do that with your cooperation. Thank you.

COOPERATIVE AGREEMENT PROGRAM

Mr. Smith. With regard to the cooperative agreement program, this subcommittee put money in when it was not requested by the last Administration because we thought it would be an effective way to handle some of the prisoner problems at less costs than trying to build federal prisons everywhere.

You have asked for an increase from \$9 million up to \$15 million. I wonder in view of the huge increase we have in drug prob-

lems and other federal prison problems, if that is enough.

Mr. THORNBURGH. I will be honest with you, Mr. Chairman, it is pretty hard to ask anybody in law enforcement if they ever have enough. But we operate as you do within the constraints of our ability to pay.

Mr. Smith. Let me put it a different way. I wonder if maybe some more dollars might be more important there than somewhere

else in your budget.

Mr. Thornburgh. We have made a best effort in trying to identify our priorities and fit within the numbers. Obviously, it is your chore to look at those numbers and make such revisions as you see fit.

Mr. Smith. Maybe you can expand for the record on what the needs are if you had the resources.

Mr. THORNBURGH. What we are talking about here is jails, not prisons.

Mr. Smith. If they have a bust and arrest some of these people

they have to have a jail close by to hold them.

Mr. Thornburgh. When I was a U.S. Attorney there was generally enough in the way of local lock ups in the Federal courthouse or under cooperative arrangements worked out with State and local officials where there was not a problem. But with the burgeoning increases in arrests through effective investigation, oftentimes prisoners have to be transported hundreds of miles, literally, to find space to lodge them.

So part of our effort here is designed to increase the number of federal facilities for lock ups and under the cooperative arrangements to make funds available from the Federal Government to local authorities to build new jails with a guarantee that we will get a certain allocation of those spaces.

While our need is increasing so are those of State and local governments as well. It is a good program. The United States Marshals are satisfied that this is a workable way to attack the problem on a joint basis but I cannot look you in the eye and say every single dollar that might be used in that program is the subject of our appropriation request.

It represents, along with other items in our proposed budget, our best estimate as to how it matches with other competing needs.

Mr. Smith. Mr. Early.

Mr. Early. My attitude in the forfeiture funds is not to discontinue getting the money back to the funds. I think it should go through the straight line. I think it is going to the states for political reasons. I think the forfeiture funds would be better off in one place than just the Bureau of Prisons.

RESPONSIBILITY FOR PAROLE HEARINGS

Specifically, the issue of who will be responsible for handling the parole hearing of prisoners after the elimination of the Parole Commission in 1992 is still unresolved. Do you have a plan for ad-

dressing that issue?

Mr. Thornburgh. You will need a parole board, by whatever name it is given, to deal with that. I am not sure precisely how that will be handled because you will have a group of people who will remain eligible for parole diminishing in numbers as you go on.

Mr. EARLY. You don't know what the specific plan is, but you

know there will be one.

Mr. THORNBURGH. Until otherwise determined the Parole Commission itself will continue to do that.

Mr. EARLY. Thank you.

Mr. Smith. I want to thank you, too. I will have a number of questions for the record. We will submit those to you.

Thank you, very much.

Mr. THORNBURGH. Thank you, Mr. Chairman. We appreciate

your interest in our causes.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Attorney General

War on Drugs

QUESTION: Have you defined your relationship with the new drug cmar and, if so, how is it working?

ANSWER: As you know, the commitment to end drug abuse in America is one of the President's highest priorities. I look forward to working with the Director of National Drug Control Policy in establishing policies, objectives and priorities to meet the President's goals.

Additionally, I intend to pursue a close working relationship with the Director of the Office of Management and Budget, which is essential to our success in these endeavors. I shall work with Mr. Darman to ensure that our efforts obtain the most optimal return from the Department's drug resources.

QUESTION: It appears to be the consensus of some officials that we need to place more reliance on drug education, prevention, and rehabilitation programs. What is your position on this issue?

ANSWER: I agree that a strong emphasis must be placed on the demand side of the anti-drug abuse equation. Only through a concerted national strategy which balances both supply and demand initiatives, can we hope for some advances in the war against drugs. The Federal Government must continue to do what it does best, namely international cooperative efforts, interdiction, border enforcement, research, intelligence and effective law enforcement, but it must also continue its successful demand reduction programs in order to strive for an appropriate and effective balancing of resources dedicated to the supply and demand equation. In order to optimize our present efforts, State and local governments as well must continue their commitment to drug education, prevention and treatment. Additionally, I would like to see the private sector play a large role by providing funds for an anti-drug education and advertising campaign.

QUESTION: We have received some details on the budget amendments to be proposed by President Bush. It appears that the Bush budget has shifted slightly in favor of demand reduction, insofar as the requested growth in funding for 1990 is concerned, i.e., demand reduction programs increased by 17 percent over 1989, while supply reduction programs increased by only 10 percent. Did you have any input into the deliberations which determined the split between supply and demand reduction programs and do you agree with this split?

ANSWER: Although I was not involved in developing the initiatives which comprise the Bush budget, I am

supportive of the additional resources which are targeted for demand reduction activities. These types of programs are a relative newcomer and have been somewhat underfunded.

I have said many times, if we want to lose the war on drugs, we should just leave it to law enforcement. We must pay equal attention to the demand side by reducing the consumption of drugs through programs of prevention, education, rehabilitation, and treatment, and holding the user accountable for a share of the economic and social costs of drug dependency. A sustained commitment to both the demand and supply strategies is essential if we are to be successful.

In the past, demand reduction has primarily been the responsibility of State and local governments; however, recent actions by Congress and the Administration have recognized the need for increased funding for treatment, education and prevention at the Federal level. The Anti-Drug Abuse Act of 1988 established a National Commission on Drug Free Schools to develop criteria for identifying drug-free schools, and organizing model programs to meet these criteria. Over \$100 million was appropriated in grants for this purpose. Similarly, provisions in the Act provided for development of regulations for drug-free public housing and a drug-free workplace. Additionally, \$36 million was appropriated for demand reduction activities of the Department of Health and Human Services. By comparison, the Department of Justice received only \$360.4 million, which included \$80 million for State and local drug grants.

Similar actions in President's Bush's 1990 request to Congress also tend to more evenly distribute funds for demand reduction and supply reduction. The Administration's 1990 budget request includes nearly \$1.1 billion for drug education programs and an additional \$700 million for drug abuse treatment programs. These initiatives account for over 30 percent of the Federal anti-drug budget. In only four short years, Federal anti-drug budget. In only four short years, Federal funding for drug abuse prevention and treatment has increased over 360 percent from \$393.7 million in 1986, when funding for prevention and treatment accounted for only 17 percent of the Federal Government's war on drugs.

With the consolidated efforts of the Federal, State and local, and private sector programs now underway, the gap between the demand and supply strategies is rapidly closing.

QUESTION: The Drug Enforcement Administration (DEA) is in the midst of an extensive program to train agents for military-type operations in South America.

A. Are your personally involved in how and when these agents will be used in these operations?

- B. Do interdiction operations involving large numbers of DEA agents run the risk of alienating the governments or local populace of the countries involved?
- C. In those countries where the agents may come into contact with communist insurgent groups, does the DEA run the risk of being accused of being a CIA front to fight the insurgents?

ANSWER: I have been fully informed about all aspects of Operation SNOWCAP's planning and implementation since its inception in April 1987. I am not involved in the Operation's day-to-day activities, but I discuss the Operation frequently with DEA Administrator Lawn. Mr. Lawn and I recently went to Bolivia, Peru and Colombia to observe first hand the SNOWCAP operations.

Although much that is critical has been written in the press recently concerning the efforts of DEA and the State Department in cocaine suppression/enforcement activities in South and Central America, these activities are crucial to the success of the Federal drug strategy. DEA is operating in these countries at the request of the host governments. DEA assists the local drug law enforcement authorities in locating and destroying clandestine airstrips and cocaine manufacturing laboratories. In so doing, DEA is attempting to assist the host government by destroying the economic incentives for growing coca and manufacturing cocaine. Thus, DEA risks alienating the local populace to the extent that it depends on coca and cocaine production for its livelihood. This is a risk that the United States Government and the host governments have decided to take in the effort to rid the world of cocaine trafficking and abuse.

DEA has been invited by the host governments to assist them in their drug law enforcement activities. First and foremost, DEA acts primarily in an advisory capacity, providing training and supplies to the host country's police agencies. Other activities include the collection of timely intelligence information to support enforcement efforts against cocaine trafficking, which leads to the investigation and prosecution of major cocaine trafficking organizations. I can assure you that it does not serve as a front for the CIA or any other organization, but, as with any foreign activity in which the United States Government participates, there is the potential that DEA could be accused of this.

QUESTION: Many in the Congress believe that dramatically increased military involvement is needed to support civilian drug interdiction. Do you agree?

ANSWER: We support the involvement of the military within the boundaries of the Posse Comitatus Act. Its assistance in terms of intelligence and equipment is invaluable to drug enforcement. The use of the military for law enforcement purposes on foreign soil could threaten a

nation's sovereignty, causing significant political implications. Contacts have been made with the Defense Department concerning the possibility of cross-designation of military personnel as DEA agents.

Operation Alliance

QUESTION: Drug enforcement efforts of the prior Administration in Florida and the Caribbean are said to have led to increased snuggling of drugs through Mexico and across the southwestern border. Operation Alliance was initiated to help combat this increase. How, an increase in drug snuggling appears to be occurring along the Atlantic and Pacific coasts, and perhaps even into the United States through Canada. Assuming that drug snugglers ultimately will seek the weakest links in the border enforcement chain, what is the cost that would be involved to replicate the South Florida and Operation Alliance initiative for the entire United States border area and would those monies be better spent in pursuit of other strategies?

ANSWER: Operation Alliance was formed to halt the flow of illegal drugs, firearms, and other contraband across the United States/Mexico border. The design of this program provides for single agency initiatives, but stresses the need to conduct multi-agency coordinated efforts involving Federal, State and local agencies to achieve the desired impact on the organizations doing the illegal trafficking.

Operation Alliance has instituted significant law enforcement initiatives along the Southwest border. Specifically, this program utilizes "Mobile Corridor Operations", which allocates additional personnel and equipment resources, to specific locations on a temporary basis. Additionally, it has provided for the establishment of "Border Smuggling Groups" to focus the enforcement efforts of Federal, State and local resources.

The program emphasizes asset sharing between Federal, State and local agencies as well as the delegation of limited specific primary jurisdictional responsibilities and authorities between agencies. Also, the distribution of communication equipment has allowed for compatible system interfacing.

The success of the these initiatives has generated the overall success of the drug interdiction efforts of Operation Alliance. Since the inception of Operation Alliance, comparable border seizures of marijuana in 1988 were reported to have increased approximately 70 percent; seizures of heroin by approximately 162 percent; and seizures of cocaine by approximately 344 percent. The movement of resources, agents and equipment along the border in an effort to counteract the shifting of drug smuggling activities has allowed for the use of resources without placing additional permanent resources along the entire United States border.

We will have to survey all those organizations involved with Operation Alliance and the South Florida Task Force to determine the costs of duplicating these efforts along the entire United States border. The Immigration and Naturalization Service (INS) estimates it would cost about \$6.5 million for its interdiction efforts between the ports of entry.

Border Management

QUESTION: In the last Congress, proposals were made to consolidate various border management functions of the Departments of Transportation (Coast Guard), Justice (INS), and Treasury (United States Customs Services) into a new Office of Border Management Affairs within the Treasury Department. Do you believe such consolidations have merit?

ANSWER: The consolidation of border functions would be a challenge to any manager. There are pros and cons to consolidating the responsibilities within either the Treasury Department or the Justice Department -- an obvious con for either being the potential for the creation of a "super function" which would be difficult to manage. Before a decision is made to consolidate, the ramifications of such a decision must be thoroughly reviewed.

QUESTION: Do you think that a comprehensive border management strategy is needed to coordinate the efforts of all border management agencies in combatting drug smuggling at all United States borders? Please explain your position.

ANSWER: A comprehensive strategy has been in existence for some time and has been implemented through Operation Alliance and Operation Vigilance. Operation Alliance is a highly successful interagency effort to interdict drugs and contraband smuggled across the southwestern border. Operation Vigilance, similar to Operation Alliance, has been initiated to interdict drugs along the Northern Border. Both of these programs coordinate the movement of resources, agents, and equipment from several agencies in an effort to respond to the shifting of smuggling activities. These operations indicate the usefulness of interagency border management strategies in combatting drug smuggling across the United States borders and also show that through effective coordination the current organizational structure can work.

Communications

QUESTION: One ongoing problem faced not only by the Justice Department, but the whole Federal Government, is the inability of field personnel from one agency to communicate with personnel from other agencies in a secure environment. Are you aware of this problem?

ANSWER: Proposed Federal Standard 1023 addresses the problem of interoperability among agencies by establishing secure voice communications guidelines. This makes encryption/decryption compatible among agencies. Integration is possible only if all agencies are on one frequency band, and at present agencies are on multiple frequency bands. When interagency communication is necessary, agencies have exchanged the appropriate equipment in order to communicate as needed and still maintain secure communications.

QUESTION: A specific example is the Vice President's Joint Drug Task Force in Miami which is made up of both Customs and DEA agents. Cars assigned to this organization have to have two sets of communications equipment in order to allow the DEA and Customs agents to talk to each other and to their parent organizations. Do you agree that having to purchase two sets of equipment is a terrible waste of precious resources?

ANSWER: In 1988, DEA began employing newly-developed UHF/VHF dual band mobile radios. The dual band radio enables DEA agents to communicate with the FBI, Customs, State and local law enforcement, etc. The dual band radios are being added to the DEA inventory in a planned and cost effective manner. To avoid excessive installation and removal costs, dual band radios are being added as old vehicles are replaced. As this process is completed the problem mentioned in South Florida will be eliminated.

QUESTION: Are you aware that the FBI, DEA and United States Marshals currently can not communicate with each other in a secure environment, and that the Integrated Digital Voice Privacy (IDVP) Program, which would have given them this capability, has been shelved?

ANSWER: The FBI, DEA, and United States Marshals Service (USMS) cannot currently communicate with each other in a secure environment due to the differences in frequency spectrums and communications standards. The IDVP Program would have provided this capability. However, the costs of such a program are very high and the need for total integration among these agencies is questionable.

In May 1987, the USMS informed the Department that integrating its radio system with the FBI and DEA systems was not cost effective since the USMS historically has had little need for its entire radio system to be integrated with the FBI or DEA. Subsequently, Attorney General Meese approved the USMS to proceed with its own Digital Voice Privacy (DVP) radio system. Procurement of such a system was already underway.

In May 1988, Attorney General Meese approved the FBI and DEA proceeding with their own DVP radio systems that would be based on their current VHF and UHF bands, respectively, and will be interoperable where needed, such as in

Organized Crime Drug Enforcement (OCDE) Task Force cases. The implementation of an interoperable system for the FBI and DEA, using the existing frequencies of the two agencies, will be far less costly and be operational sooner than had the Department proceeded with the originally proposed integrated system with one set of frequencies.

Until the interoperable DVP radio system is completed for the FBI and DEA, these agencies have and will continue to loan or share radios between them so that field personnel from one agency can communicate with the other. For example, if an OCDE Task Force case being run by DEA includes FBI agents, DEA will provide the FBI agents with DEA radios so that all task force personnel can communicate with each other. This approach has worked successfully in the past and will continue until the interoperable DVP radio system is completed. After that, loaning or sharing of radio equipment may continue among task force agencies on an as-needed basis.

QUESTION: This inability to communicate between agencies is a severe shortcoming which can have a significant impact on agents in the field. Are you doing anything to rectify the situation?

ANSWER: Currently, the FBI is moving toward modifying its single-code radios to multiple codes. The modifications will add digital voice privacy which the USMS utilizes to the FBI's existing Data Encryption Standard code providing the opportunity for the FBI to communicate with the USMS, the Border Patrol, and other Federal agencies as well as State and local law enforcement agencies in certain localities on an as-needed basis.

QUESTION: I understand the FBI and DEA are considering a variation of the IDVP for their two organisations. For the record, please describe this proposal, to include an implementation and funding schedule.

ANSWER: DEA and FBI have devised an interoperability radio system which will allow communication between the agencies while still allowing the system to be tailored to each organization's needs. The objective of the current DVP program is to provide tactical radio interoperability between the FBI and DEA in all the DEA Division cities and in the DEA Resident Office (RO) areas. This will be achieved by cross-patching FBI VHF repeater channels with DEA UHF channels in Division cities and by providing DEA access to VHF channels in their RO areas where their agents will be equipped with mobile radios capable of receiving these VHF channels.

The FBI is in the process of acquiring radio sites in the cities of the 19 DEA divisions to allow the co-location of FBI and DEA repeaters. The FBI repeaters in these cities have been acquired through DVP capital base funding at a cost of approximately \$200,000. In addition, control

equipment to activate the repeaters is being acquired at a cost of \$190,000. The interoperability plan projects implementation to be completed in 1991.

Although the backbone systems of the two agencies will operate on different frequencies, DEA has 1,800 dual band radios which allow communication on either UHF or VHF. In the 19 field divisions, DEA will have repeaters that will allow our agents to communicate with the PBI system through the repeater. In the smaller offices where repeaters are not practical, DEA agents use dual band radios and operate on the FBI's backbone system.

As of 1988, DEA radios were fully operational in the Seattle, San Francisco, Los Angeles, San Diego, Miami, and Atlanta Divisions. Equipment for New York, Boston, Newark, Detroit, Washington, and Philadelphia has been purchased, and will be installed at a later date. Overall plans include installation of radios in Chicago, New Orleans, and St. Louis in 1990 and the remaining four divisions in 1991, if sufficient funds are available at that time.

Immigration Issues

QUESTION: There has been much discussion in the press over the past several months concerning the new wave of illegal immigrants attempting to enter the country. Would you please brief the Subcommittee on the extent of the problem and what your current plans are to correct it?

ANSWER: A significant problem has developed in South Texas as a result of an increased flow of Central Americans who, once in the United States, made frivolous asylum claims.

In early 1988, 40 to 50 political asylum applications were received weekly. These numbers rose steadily during the summer to over 1,000 applications a week by September 1988. Thus far, 1989 asylum requests are averaging one-third higher than last year. If allowed to continue, this could produce more than 100,000 asylum requests during 1989. In order to deal with this flood of applications under the Service's uniform asylum policy, a task force of 16 immigration examiners and 8 support personnel was detailed to the Harlingen District Office to expedite processing and to deter frivolous asylum claims from economically motivated migrants. Between December 16, 1988 and February 8, 1989, the task force received 10,614 applications.

In view of the growing seriousness of the situation, additional resources are being committed to the effort as a part of a plan to create an effective deterrent to those persons who would manipulate our asylum laws by filing frivolous applications.

The plan includes expedited asylum adjudication in the Rio Grande Valley, a full and fair process for qualified applicants to gain asylum, and detention and deportation for unqualified applicants.

A total of 500 INS personnel from throughout the country will be sent to South Texas to implement the plan. Border Patrol personnel will be augmented to enhance enforcement along the border and to provide additional detention security. Adjudications personnel and support will be augmented to expedite the processing of applications. Detention and Deportation resources will be augmented to provide for detention of applicants who are in an illegal status and to provide for the deportation of those aliens whose claims are adjudicated and denied.

Approximately 141 INS, Department of State and Executive Office for Immigration Review staff will be detailed to provide fair and expeditious adjudication of asylum claims.

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As a result of our efforts, applications for asylum have declined dramatically. We feel that this confirms INS's contention that the majority of the applications which were being presented were frivolous and were being submitted by aliens whose primary desire was to enter the country, obtain a work authorization, and move to another location where they intended to remain permanently.

The situation is being monitored carefully to assure that, if additional steps are needed, timely action will be taken. The State Department has been in contact with the Government of Mexico regarding the need to limit the flow of Central Americans through Mexico. INS is hopeful that some progress can be achieved on this initiative.

QUESTION: We have heard of different proposals to build a tent city along the Texas border to house aliens who are awaiting a decision on their amnesty application. What will be the cost of this proposal and how will you fund it?

ANSWER: INS estimates that the care and processing of these applicants will cost in excess of \$20 million for the remainder of 1989. The monies will be used to fund a reimbursable agreement with the Community Relations Service (CRS) which will provide food, shelter and medical services; additional expenses will support the details and related costs of Border Patrol Agents, Detention and Deportation Officers, Immigration Examiners and other INS personnel essential to the project. Funding will be accomplished using existing resources from INS's Detention and Deportation program.

QUESTION: A proposal has been made espousing the use of ditches and wall-fences across our southern border to stem the tide of illegal aliens attempting to enter the United

states. Do you believe this is economically and politically feasible?

ANSWER: The proposal to use ditches and wall-fences to control the flow of illegal aliens and drug smugglers across the southern border is contained in a study published by the Federation for American Immigration Reform (FAIR). This document is currently under review by INS. In a number of areas along the border, barriers of some type are an economical means of controlling access into the United States. For example, fences have been in use for a number of years. The cost of an effective barrier would be considerably lower than an around-the-clock enforcement personnel presence.

Border control projects are politically feasible and are essentially a part of the Government's responsibility to control access to this country and safeguard the security and health of its citizens and legal residents. Arguments to the contrary ignore the basic element of border control.

QUESTION: Are there any plans to build such ditches in 1989? If yes, since no funds were requested for this new program, does the Department plan to submit a reprogramming to the Committee?

ANSWER: INS currently has plans under consideration to build a ditch in 1989. The ditch is designed to discourage illegal automobile traffic from entering the United States near the Otay Mesa, California traffic checkpoint. The funds for the border project would be a portion of funds previously appropriated for construction projects, to be used over a multi-year period. Consequently, a reprogramming of resources would not be necessary.

QUESTION: Are there any funds for this purpose in your 1990 request?

ANSWER: No. The INS's 1990 request does not contain funds for this purpose.

Funding Priorities

QUESTION: At a time when we are experiencing another massive influx of illegal aliens along our southern border, how can you justify a reduction of over 1,600 INS positions, including 552 Border Patrol agents?

ANSWER: The 1990 budget reduction of 552 authorized positions and \$10.7 million in the Border Patrol program will not change the Patrol's basic mission of detecting and apprehending illegal alien entrants and the arrest of alien and narcotic smugglers along the southern border. The Patrol will also continue to conduct highly successful Operation Alliance mobile interdiction corridor operations

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utilizing existing Border Patrol resources in cooperation with other law enforcement agencies.

In view of the deficit reduction concerns facing the Federal Government, our emphasis must be on using existing resources as effectively and efficiently as possible to achieve agency goals and objectives. We are striving to enhance the productivity of our personnel through a combination of improved management and increased use of innovative technology and equipment, such as television systems and electronic sensors in border surveillance and canines in the detection of drugs and people being smuggled across the border.

The 1988 level of alien apprehensions by the Border Patrol was 969,214 -- down approximately 16 percent from the 1987 level and 43 percent below the 1986 level. Based on information obtained by the Patrol from aliens, the employer sanctions program of the Immigration Reform and Control Act (IRCA) is a key factor in the apprehensions decline. Given the fact that these provisions of IRCA are effective, and in anticipation of management and technological improvements, we are confident that the resource levels we seek for the Patrol in 1990 are sufficient.

Savings and Loan Strike Forces

QUESTION: One of President Bush's proposals concerning correction of the Savings and Loan crisis is the establishment, within the Justice Department, of Savings and Loan Strike Forces. Would you please explain this proposal?

What are the types and number of personnel involved, what will the cost be in both 1989 and 1990 and how do you plan to fund it?

If no funds are forthcoming in 1989, can the United States Attorneys and PBI absorb the additional workload from within their existing appropriations?

ANSWER: The Administration's Savings and Loan Reform package includes a \$50 million authorization for three years beginning in 1989.

A 1990 budget amendment for \$50 million will be forwarded in the near future. However, recognizing the need to enhance enforcement efforts as quickly as possible, the Administration is proposing a 1989 supplemental request of \$36.8 million for the Department. The supplemental funding will support 660 new positions, almost doubling the personnel dedicated to the apprehension and prosecution of individuals committing fraud against our financial institutions. Included are 236 new FBI agents to assist in investigations, 118 new prosecutors in the United States Attorneys' Offices, 30 new attorneys in the Department's Tax and Criminal Divisions, and 276

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additional support personnel for the various components. The 1990 budget amendment would annualize these positions and provide for an additional 100 accounting technicians in the FBI. The increase in attorney and support staff in the litigating divisions would enhance our ability to provide a nucleus of experienced prosecutors for task forces, and augment the resources of those United States Attorneys' Offices that may not require a substantial increase in their own resources to cope with a regional crisis, but may from time to time need assistance in investigating and prosecuting such cases. In addition to staffing increases, we will develop new specialized training programs for prosecutors in financial institution fraud enforcement, strengthen administrative capabilities pertaining to coordination of interagency task force activities, and enhance financial institution fraud case tracking capabilities.

Our plan envisions the creation of strike forces in regions of the country where financial institution failures have been widespread. The success of a year-old model task force effort makes it clear that bringing together investigative and prosecutive resources permits a focusing of effort that produces results. Currently more than 12 attorneys from the Criminal Division's Fraud Section, four Assistant United States Attorneys, 25 FBI agents and 16 IRS investigators constitute what has become known as the Dallas Bank Fraud Task Force. The Task Force has brought criminal charges against 33 individuals to date. There have been 20 convictions and only one acquittal. Three defendants are on trial and six are awaiting trial. No plea has been entered for the remaining three defendants. Of the twelve defendants sentenced, eight received imprisonment and four were placed on probation. Imprisonment generally ranged from six months to one year, but one defendant received 35 years imprisonment. Fines totaling \$133,250 have been imposed and restitution totaling \$2,791,500 has been ordered, of which \$591,500 was directed to the Federal Savings and Loan Insurance Corporation. The resources requested by the President will permit the Department to coordinate its attack on crime in financial institutions.

If the experience of the Dallas Bank Fraud Task Force is an accurate indicator, we will reap a healthy return on this investment. In addition, the Administration's complete legislative package in this area provides for dramatic increases in penalties and fines. Without additional investigators and prosecutors we simply cannot provide adequate enforcement.

Mariel Cubans

QUESTION: Things have quieted down considerably on the Mariel Cuban issue. What is the current status of the detainees?

ANSWER: In accordance with the agreement reached after the disturbances in November 1987, much has been accomplished. Since the disturbances, 2,844 Cubans have been reparoled to halfway houses, family or individual sponsors under the INS Cuban Review Plan. Currently, there are 119 Cubans that have been approved for release and are awaiting placement with sponsors, and/or halfway houses able to meet their special needs.

To date, 498 Mariel Cuban criminals have been identified for possible return to Cuba. As of March 2, 1989, 25 of these Cubans have been repatriated. It is anticipated that INS will be able to schedule at least two flights per month to Cuba throughout 1989 to return the remaining Mariel Cuban criminals.

Currently, there are nearly 2,000 Mariel Cuban criminals in INS custody. Approximately 1,055 are in Bureau of Prison (BOP) facilities and have completed their sentences, but are still awaiting reparole or repatriation. In addition, 105 individuals are at St. Elizabeth's Hospital receiving psychological evaluation and treatment under the care of the Public Health Service, and the remainder are in INS detention facilities and INS contract facilities.

In addition, there are still approximately 850 Mariel Cubans in Federal custody serving sentences in BOP facilities. There are also Mariel Cubans still in State and local custody serving sentences in their facilities. Ins has placed detainers on these Cubans. As their sentences are completed, they will be turned over to INS custody, in most cases for eventual deportation.

QUESTION: What is the status of the talks with Cuba concerning return of those Mariel Cubans who are not eligible for permanent status in the United States?

ANSWER: The Department of Justice has repatriated 25 Mariel Cuban criminals and INS has identified 473 others for possible return. In addition, INS has placed approximately 2,000 detainers on Cubans still serving State and Federal sentences. Of these, about 500 are Mariel Cuban criminals who appear on the list of 2,746 to be repatriated. These cases will be targeted for repatriation as they are released to INS custody after the completion of their sentences.

The State Department is continuing contacts and talks with Cuba regarding repatriation issues.

QUESTION: If this process of release or repatriation drags out for too long, do we run the risk of riots like the ones that did so much damage at Oakdale or in Atlanta? What are you doing to prevent this?

ANSWER: No, I do not believe that this lag would risk another riot. A number of factors led to the Oakdale and

Atlanta riots. One of the primary reasons for the disturbances was that many of the detained Cubans had not been reviewed for reparole even though they had completed their criminal sentences. As a result, rumors of repatriation caused many of these Cubans to fear being sent back to Cuba when they believed they should be reparoled. While we are unable to predict the future behavior of the Mariel Cuban criminals under INS, Federal, or State custody, the INS Cuban Review Plan has met or exceeded all the requirements delineated in the agreement between the Department of Justice and the Mariel Cuban detainees by providing the detainees with a fair, prompt and equitable review of their cases.

New regulations were promulgated on December 28, 1987, providing for a review of the parole status of all Mariel Cubans who were in INS custody on this date. As of June 30, 1988, all Cubans that were in custody have had at least one review under the Cuban Review Plan. If denied parole by the INS Cuban Review Plan, the detainee was entitled to a case review by a Department of Justice Review Panel.

Interviews have been conducted at more than 95 Bureau of Prisons (BOP) and INS detention facilities and county, city, and parish jails throughout the United States. Since the riots at Oakdale and Atlanta, 2,844 Mariel Cubans have been reparoled. About 1,200 were denied parole, found eligible for a review of their status by the Department of Justice Review Panel, and are being sent individualized responses explaining the specific reasons for the parole denial decision. INS is advising the detainees whether or not their case will be reviewed by the Department of Justice Review Panel, or be reevaluated within one year by the INS Review Panel for reparole consideration.

In addition, INS has placed liaison personnel in many BOP institutions. The liaison personnel maintain current case status data and are able to allay Mariel Cubans' suspicions and fears before a problem can develop. The liaison personnel are instrumental in responding to inquiries from attorneys, representatives, and relatives of the detainees, and in providing information concerning the parole process.

The INS also maintains constant liaison with the facilities housing the detained Mariel Cubans, responding to their suggestions and their concerns. INS officers frequently visit these sites to discuss the needs, requirements and concerns of each particular location. In addition, weekly meetings are held between INS, BOP, CRS, the Public Health Service, and the Department of Justice Review Panels to properly coordinate all actions necessary to expedite the reviews and processing of the Mariel Cubans and to reduce the possibility of future disturbances like the ones of November 1987.

Department Management

QUESTION: What do you see as the major management issues confronting the Department over the next four years? What are your plans, for attacking these issues?

ANSWER: The Department of Justice faces a number of major management issues in the years ahead. Among these are the following:

Cost Containment. Our top management priority is to target and spend our limited resources as wisely and as economically as possible. We have already taken steps to reduce overhead and place more resources on the front-line of operations. This effort will continue. Where appropriate, we will move aggressively to achieve savings through such additional measures as contracting out, consolidating or sharing services and functions, and eliminating wasteful or duplicative activities.

Recruiting and Retaining High-Quality Employees. Skilled, dedicated and honest employees are the heart of the Department's programs. We intend to continue and enhance our efforts to insure that the Department attracts top-calibre law enforcement and attorney personnel. A number of initiatives, internal and external to the Department, are underway, including the establishment of the National Advisory Commission on Law Enforcement to study and make recommendations on the pay and benefits of Federal law enforcement officers. Within the Department, we are reexamining our attorney recruitment and retention efforts to insure that we are doing all that is possible.

Technology. Advanced technology offers opportunities for increasing both efficiency and effectiveness. The Department will continue to automate its activities to make our work more efficient. Automated litigation support is a key technological initiative that is particularly necessary in handling extremely complex cases. It is also particularly important that law enforcement utilize the latest technology. We need to search out and test new technologies that will better enable us to detect, prosecute and imprison criminals.

Productivity Improvement. The purpose of the Productivity Improvement Program is to improve the quality, timeliness and efficiency of services provided to the public. Although the Department has participated in this Program, we intend to expand and improve our efforts.

Central Management. We need to improve the key central management functions of the Department, specifically strategic planning and program evaluation. The Department of Justice, by design and by tradition, is a largely decentralized agency; its operating components have significant independence in carrying out their law enforcement missions. Nevertheless, in order to best use our resources and insure a coordinated attack on the

nation's problems, we need to focus the work of the Department's components on overall, Departmentwide goals and priorities. We intend to improve our planning processes so that goals and priorities are clear and so that there is a foundation for monitoring and evaluating program performance. Improved planning combined with improved, systematic assessment of program and organizational performance will pay dividends over the long-run in more effective and efficient use of resources.

Debt Collection. The Department will continue to vigorously pursue the collection of debts owed the United States Government, and to implement and evaluate the private counsel pilot project. In 1988, the Department collected \$479 million. We intend to continue to emphasize debt collection as a priority activity.

Equal Employment Opportunity. The Department is committed to equal employment opportunity. However, over the past several years the Department's Program has been criticized for excessive complaint backlogs and lengthy processing times. The Department has taken steps to correct these problems; nevertheless, it is clear that this is an area that requires continuing attention of the Department's leadership.

QUESTION: We understand the Department is giving consideration to creating two Associate Attorneys General positions to stabilize oversight of the criminal and civil functions of the Department. Do you support this origanizational proposal for congressional approval? If not, do you have an alternative proposal?

ANSWER: In 1987, Attorney General Meese proposed creating two Associate Attorney General positions, one for civil matters and one for criminal matters. Under the proposal, the Deputy Attorney General would have been assigned overall management responsibility for the Department, functioning much like a chief executive officer. Congress did not act on the proposal, and it was never implemented.

This organizational proposal is only one of several options that are currently under review by the Department. I agree strongly with the objectives of clearly assigning agencywide management responsibility; nevertheless, it would be premature to endorse any specific approach at time. Once our review is complete, the Department will notify the Congress of any proposed reorganization in accordance with existing requirements and practices.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Attorney General

United States Parole Commission

QUESTION: To my knowledge the issue of who will be responsible for handling the parole hearings of prisoners still incarcerated after the elimination of the Parole Commission in 1992 is still unresolved. What is your present plan for addressing this issue?

ANSWER: While the law requires the United States Parole Commission to set release dates for all prisoners before it is abolished on November 1, 1992, these prisoners will be entitled to periodic reviews that the law presently requires. These hearings cannot be eliminated without unconstitutionally depriving these prisoners of the opportunity for parole under the laws in effect at the time their crimes were committed.

The Department is considering options to remedy this problem.

Federal Prison System - Leasing Program

QUESTION: The budget request before us requests authority to undertake a leasing program for the construction of two new prisons. I recognize the need to explore alternative financing methods and am interested in the pros and cons of such a proposal. Tell us about this proposal. What would the advantages of this method be?

ANSWER: Under the leasing program proposed, prisons would be financed and constructed with private resources and leased to the Bureau of Prisons on an annual basis. Therefore, the cost of the facility would be spread out over its useful life rather than incurred in one fiscal year. The facilities would be staffed and managed by the Bureau of Prisons.

QUESTION: Has the Department conducted a cost analysis of this proposal?

ANSWER: No, the actual cost analysis and resulting cost differential will not be known until proposals are received by the Government.

QUESTION: In the long-run would there be a cost savings?

ANSWER: A program of leasing prisons from the private sector combined with direct Federal appropriations for construction can substantially reduce the outlays required in the Bureau of Prisons' expansion program over the next few years. This approach also supports the twin goals of increasing prison capacity and working toward deficit reduction within the time frames of Gramm-Rudman-Hollings. While there are variations in leasing approaches, the

Bureau's current plan is to use a site-adapted design for each of the two facilities. A prospectus would be made public requesting proposals for furnishing financing and construction services. The successful bidder would complete construction of the facility with his/her own resources and lease the facility to the Bureau on an annual basis. The Bureau would staff and manage the facility.

We understand that lease agreements similar to the ones we propose generally result in an increase in cost of approximately ten percent over an annual lease period of twenty years. Under certain favorable financial market conditions, the lease cost potentially could be lower.

QUESTION: Why is the option of lease-purchase not recommended?

ANSWER: The previous Administration issued policy guidelines opposing the use of lease-purchase arrangements, a policy that this Administration has not had an opportunity to review.

Impact of Anti-Drug Abuse Act of 1988

QUESTION: The request for the Bureau of Prisons does not take into account the impact of the Anti-Drug Abuse Act of 1988. What impact do you think this new law will have on the Bureau? How will it affect the prison population estimates?

ANSWER: Our preliminary analysis indicates that the criminal sanctions in the Act should result in increased commitments to Federal prisons and longer sentences for certain crimes. During the next several months, we will be evaluating the specific impact of the Anti-Drug Abuse Act of 1988 on our prison population estimates.

Office of Justice Programs

QUESTION: Unlike the previous Administration, you are supporting the continuation of funds for State and local anti-drug abuse activities. For eight years we were told this is not an appropriate Federal responsibility. Why is this now considered a "priority initiative?"

ANSWER: President Bush is committed to ending drug abuse, as was President Reagan. From 1981 through 1989, under President Reagan, almost \$9 billion was targeted at antidrug abuse efforts. Previous budgets focused increases for anti-drug abuse efforts on Federal law enforcement, education, and treatment programs. President Bush's budget builds upon the progress made by President Reagan, by adding nearly \$1 billion in new outlays as proof of that commitment. The war on drugs will be fought on all fronts including the provision of additional resources to aid the States.

Absorption of Priority Increases

QUESTION: Has the Office of Management and Budget (OMB) directed the Department to absorb the proposed priority increases (the \$50 million for savings and loan investigations and prosecutions, and the \$150 million for State and local assistance) into your overall bottom line, or is this "new" budget authority?

ANSWER: Currently, the Department has not received direction from OMB to absorb the proposed 1990 priority increases of \$50 million for the savings and loan investigations and prosecution or the \$150 million for State and local assistance. These increases are considered as new budget authority.

However, this question is at issue for 1989 requests. OMB has directed the Department to absorb the \$36.8 million requested for savings and loan investigations and prosecutions in 1989.

1989 Pay Raise

QUESTION: Does the 1990 request provide new money to cover 100 percent of the annualisation cost of the 1989 (4.1 percent) pay raise, or is part of this cost being achieved through absorptions in other program areas?

ANSWER: The Administration provided \$41,488,000 of the Department's annualized 1990 pay raise request of \$109,723,000. This request was made prior to the enactment of the Anti-Drug Abuse Act of 1988 and negotiations with OMB on final position levels. As a result of the resources provided in the Anti-Drug Abuse Act, the Department's actual full-year requirement for the 1989 pay raise is estimated to be \$125,140,000. Therefore, the Department is forced to absorb \$83,652,000 in mandatory pay costs. This is being achieved through program reductions and/or elimination of program increases.

QUESTION: What will the cost of the 1990 proposed pay raise of 2 percent be for the Department of Justice? What will the cost be if the raise is 3.6 percent, the same as the proposed increase for the military? How difficult will it be for the Department to absorb these costs if mandated to do so?

ANSWER: A:2-percent pay raise in 1990 would cost the Department approximately \$62 million for full-year funding. Full-year funding requirements would be approximately \$111 million if the Department received the 3.6 percent pay increase that is being proposed for military personnel. These pay cost amounts are

preliminary estimates and include additional costs related to the new positions requested through 1990 amendments for the Financial Institution Fraud Task Force program. If the Department was forced to absorb these 1990 pay costs, critical enforcement and criminal justice program areas would be reduced or possibly eliminated; thus, severely impeding the Department's mission. Unless there is a change in policy for handling pay costs, the Department will be required to absorb the full cost of any pay raise that becomes effective in 1990.

Special Salary Rates

QUESTION: Tell us about the "special salary rates" provision which was approved by the Office of Personnel Management, for positions where retention and recruitment is a problem. Is this provision adequate given the extreme difficulties some law enforcement agencies are experiencing?

ANSWER: While special rates have provided some measure of relief, they represent a piece-meal approach for addressing the much larger problem of Federal General Schedule (GS) pay rates which are inadequate to compete with private and State and local salaries for similar skills, especially in our larger metropolitan areas and, to a lesser extent, in undesirable geographic locations. The Department's use of special rates has mushroomed over the past three years. Over 10,300 positions, 15 percent of our workforce, are now covered by special rates, 60 percent of which are clerical and 37 percent of which are law enforcement and law enforcement related. Law enforcement and related occupations subject to special rates include:

- . Border Patrol Agent, GS-05/07; 2,065 positions along the Southern border;
- . Deputy United States Marshal, GS-05-09; 200 positions in five major metropolitan areas;
- . Correctional Officer, GS-06-08, 604 positions in six major metropolitan areas;
- . Fingerprint Examiner, GS-05-07, 753 positions in Washington, D.C.;
- . Immigration Detention Officer, GS-02-08, 124 positions in two major metropolitan areas; and
- . Police Officer (Federal Bureau of Investigation (FBI) personnel stationed in the District of Columbia and Quantico, Virginia), GS-04-10, 40 positions in one major metropolitan area.

The Department is conducting special rate studies for a number of additional occupations and/or locations, including other law enforcement and law enforcement related occupations. In addition, it is in the process of submitting its response to the special rate proposals submitted by the FBI and Federal Executive Board for occupations in New York City. While the special rate process does offer limited relief for the pay disparities which currently exist, it is a labor intensive and time consuming process and has proved to be cumbersome in competing for candidates with the skills and abilities necessary to perform the increasingly complex work required to accomplish the Department's missions.

QUESTION: Along that same line, is it too early to tell if the special rates demonstration program for FBI agents in New York City is working?

ANSWER: The Intelligence Authorization Act of 1989 (Public Law 100-453) authorized a Demonstration Project to address the recruitment and retention problems in the New York Office. Pursuant to this authority, all employees, who are assigned to the New York Office and are subject to transfer, receive a retention bonus of 25 percent of their base pay. This Demonstration Project covers all Special Agents and about 240 of the 790 support personnel. The project also authorizes the FBI to pay those employees transferred into that office \$20,000 as a transfer allowance.

Although the project has only been in place a few months, it appears that it is having the desired effect in that resignations among those covered by this project are fewer than they were for the same period last year.

Alternative Means of Correction

QUESTION: Given the Supreme Court's ruling upholding the constitutionality of the sentencing guidelines, which means no more parole and longer sentences, and the stiffer penalties contained in the 1988 Anti-Drug Abuse Bill, the number of prisoners will be increasing dramatically over the next several years. What alternative means of correction are being supported and studied by the Department?

ANSWER: The Federal Criminal Justice System has traditionally made extensive use of alternatives to confinement. In 1988, approximately two-thirds of the 125,500 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation. The Federal Prison System has also sought to expand alternatives to institutional confinement of prisoners. Since 1982, the community treatment center population was expanded by 2,650 offenders from 950 to 3,600. This increase has reduced significantly the potential institution-based population. In addition, during 1988, 1,200 offenders were placed on special curfew parole status and FPS implemented a limited use of electronic monitoring for those offenders who do not present a threat to society. Currently, approximately 70 Federal prisoners are being monitored electronically.

QUESTION: Does your budget request expand the use of alternative means of correction?

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ANSWER: As stated above, probation (funded through the Judicial Branch) continues to be the principal alternative to incarceration. The Bureau of Prisons continues to expand new forms of confinement such as electronic monitoring.

Drug-Related Homicides

QUESTION: The escalating number of drug-related homicides is frightening. How is the Department of Justice responding to this crisis and what, if any, new initiatives will this administration be undertaking to address this problem?

ANSWER: The escalating drug-related violence is a direct result of the problems of drug trafficking and abuse in general. Only by addressing the root problem can we hope for any reduction in drug-related violence. The Drug Enforcement Administration does have some specific initiatives that are aimed at drug violence. These are the Los Angeles Gang Task Force and Special Enforcement Operations dealing with the Bloods and Crips gangs, as well as Jamaican posses and crack dealers. These initiatives focus drug enforcement investigative activities on those organizations that have proven to have the greatest propensity for violence.

In the District of Columbia, where 372 people were killed during 1988, a Drug Homicide Strike Force is fully operational in the United States Attorney's office. While it is too early to tell, it is anticipated that this new Task Force will have an impact in pursuing the prosecutions of criminal organizations responsible for a number of homicides. Thus far, the Task Force has identified 18 separate cases involving drug-related execution style homicides. To date, this has resulted in one indictment, Craig Williams, with more to follow soon.

Purchase of Firearms by Felons

QUESTION: The Anti-Drug Abuse Bill of 1988 required the Department to develop a system for identifying felons and other ineligible persons who attempt to purchase firearms. What is the present status of this directive? Which agency within the Department is supervising these activities? What is the cost associated with this provision of the law?

ANSWER: Through the Attorney General's Research and Development Board, a working group has been formed to address issues involved in developing a system for the immediate and accurate identification of felons attempting to purchase firearms. The Bureau of Alcohol, Tobacco, and Firearms has been designated to chair this working group. A preliminary meeting was held on February 6, 1989. At the conclusion of this meeting, each agency was asked to present several options to senior department and agency management officials to obtain policy guidance on which options they would support.

Several components of the Department with relevant expertise have been assigned to conduct the studies and carry out other activities required under section 6213 of the Act. Research is currently underway to gather

information concerning existing felon classification databases, technologies, and relevant statutes and systems at the Federal and State levels. FBI Identification Division representatives are working closely with this working group to evaluate the options as to potential cost to the Federal Government and private sector. The potential impact on civil liberties must also be studied. We are moving ahead as quickly as possible to carry out the statutory mandates and we have every expectation of meeting the deadlines imposed by Congress. Due to the uncertainties of the aventual system, the cost associated with this provision of the Act cannot be determined at this time.

QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

Attorney General

Japanese Redress

QUESTION: Mr. Thornburgh, one of the new items in this budget is the Civil Liberties Public Education Fund, which creates an office in the Justice Department to identify certain Japanese Americans who were held as detainees during World War II. Once identified, the legislation authorizes a payment to these individuals of \$20,000. As Attorney General, you are responsible for the disbursement of funds to these citizens.

What did the Department originally request for this account to the Office of Management and Budget?

ANSWER: The Department submitted a request for the statutory maximum of \$500,000,000 as a supplemental to the 1989 budget and a request for \$500,000,000 in the proposed 1990 budget.

QUESTION: What will \$20 million provide?

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ANSWER: The \$20 million request provides payment to 1,000 individuals.

QUESTION: What is the Department doing to locate those citizens eligible for payment from this fund? Is the Department using contractors for this work? At what cost?

ANSWER: Location of individuals eligible for payment has been sought through a public outreach program and the use of Federal and State records. A special San Francisco branch office, which closed this last January after a 90-day period of operation, functioned to 1) provide ORA with valuable contacts within the Japanese American community, 2) conduct informational workshops, and 3) handle an advertising campaign through the United States Japanese newspapers. Toll-free lines and a post office box were established here in Washington, D.C. for potential recipients to call in or mail voluntary information.

Press releases have also been issued regularly to United States newspapers including the United States Japanese vernaculars and to newspapers in Japan and Canada.

The Office has also been working with the Social Security Administration to obtain social security numbers. Although they are unable to release their records, IRS has volunteered to send a mailing to potential eligible persons to encourage them to provide current addresses. The Office is also working with those States having the largest populations of Japanese Americans to obtain birth, marriage, and death records which will help in the location and verification process.

Toll-free telephone lines, correspondence analysts and data entry personnel, research consultants, and the San Francisco Office have been staffed by contract employees. This was done both for expediency (the Department has 12 months to identify and locate eligible persons; however, the normal hiring time for Federal employees is 6 to 9 months) and to create a work force that could be dismantled as soon as the program was over. Thus, no new permanent full-time positions were created. Anticipated cost for contract services in 1989 is \$1.325 million.

QUESTION: When do you estimate that the first payments will be made?

ANSWER: ORA estimates that initial payments can begin in early 1990, as soon as payment funds are appropriated for 1990. The final publication of regulations, the last step prior to verification, is anticipated to begin in the summer of 1989.

Justice Department Management

QUESTION: There was a report in the Christian Science Monitor (9/8/88) which noted that you hired consultants to analyze how well the Department is being run. What did the final report conclude? Will this report prompt any immediate changes? Please file a copy of the report for the record. Who were the consultants and how much were they paid?

ANSWER: The report was inaccurate. During the period when I assumed my current duties, persons with expert knowledge or personal advisors were present to assure a smooth transition.

We are presently engaged in a wide-ranging review of the entire Department of Justice with a view toward determining where reorganization could enhance the effectiveness and efficiency of our operations. No component of the Department is exempt from this review, and I anticipate that we will be making some adjustments. Final decisions have not yet been made, so I am not in a position today to set out specific reorganization plans.

QUESTION: Do you foresee limiting the number of Assistant Attorneys General or eliminating the post of Associate Attorney General?

ANSWER: Currently, the Department has under review several organizational options. It would be premature to endorse any specific approach at this time. Once our review is completed, the Department will notify the Congress of any proposed reorganization in accordance with existing requirements and practice.

Enforcement of Environmental Laws

QUESTION: Mr. Thornburgh, I notice in the budget justification for the Department's General Regal Activities that an increase of 34 positions and \$5.3 million is requested for Environmental Protection. What are your views about the Department's role in enforcing our environmental laws? Will this increase in the "environmental protection" area fund significant new efforts at prosecuting polluters?

ANSWER: Both this Administration, and I personally, are on record in our commitment to strong enforcement of this nation's environmental laws. The requested increase of eight positions and \$900,000 for criminal enforcement is not expected to fund significant new efforts at prosecuting polluters. Rather, these resources will be used to expand upon our existing criminal enforcement program which commenced in October 1982 and has already returned over 500 indictments of individuals and corporations, obtained more than 400 convictions resulting in \$18 million in fines and 74 years of jail time actually imposed during its brief tenure.

QUESTION: Where can the Department be more effective in enforcing our environmental laws? Is effective enforcement simply a matter of having enough attorneys?

ANSWER: Having "enough attorneys" alone will not ensure effective enforcement of the environmental laws; our approach must be systemic. It would be unwise to isolate one part of the larger equation. Specifically, we need to have in place sound laws with appropriate penalty structures, adequately staffed and trained investigative personnel, and sufficiently funded automated litigation support systems — as well as "enough attorneys" — if we are to effectively pursue and combat well-financed, multi-defendant lawsuits. To this end, we are working with Congress and EPA to create or modify environmental legislation; we are advising all of our Federal clients as to their responsibilities; we are sponsoring conferences and developing practice manuals not only for our United States Attorney and Federal Bureau of Investigation agent colleagues here at Justice, but for our State and local counterparts and other Federal agencies, such as the National Oceanic and Atmospheric Administration, the United States Coast Guard, and the Department of Defense.

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The very newness of many of the laws we are charged with enforcing demands that a significant portion of our time be devoted to educating both those within the law enforcement community, as well as newly regulated actors in the private sector.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

Attorney General

Telemarketing Fraud

QUESTION: I would like to ask a few questions about the Justice Department's recent efforts to combat the important national problem of telemarketing fraud. As you are probably aware, the Federal Trade Commission estimated that in 1988 the losses from telemarketing fraud exceed \$1 billion a year: What has the Department of Justice done in each of the last three years to combat telemarketing fraud? What amount of resources has the Department of Justice committed to the problem of telemarketing fraud in each of the last three years? What amount of resources does the Department intend to commit during the next year to address telemarketing fraud? Are the existing criminal laws sufficient to address telemarketing fraud or do you feel that amendments to existing law or new laws are required to enable the Justice Department to effectively combat the problem?

ANSWER: The Justice Department has placed a high priority on prosecuting telemarketing fraud. As recently as October 1988, the Economic Crime Council (Council), an advisory group created in May 1983 by Order of the Attorney General, reaffirmed that serious telemarketing fraud is among several areas deserving special emphasis. The Council was reauthorized by Order of the Attorney General dated March 17, 1987. It is composed of 23 United States Attorneys designated by the Associate Attorney General; senior officials from the Criminal, Civil, Tax, and Antitrust Divisions and the Federal Bureau of Investigation; representatives from the Inspector General community; the Department of the Geasury; and the United States Postal Inspection Service. The Associate Attorney General serves as Chair of Council and the Chief of the Fraud Section, Criminal Division is the Executive Director of the Council. The Council has not only emphasized the importance of prosecuting serious telemarketing fraud; it supported preparation of "How-to Investigate and Prosecute" manuals that were prepared under the direction of the Subcommittee on White Collar Crime of the Attorney General's Advisory Committee. A manual dealing with "boiler room" fraud (telemarketing fraud) was published in December 1987.

Criminal prosecutions of telemarketing fraud are handled mainly by the 93 United States Attorneys. Occasionally, the Fraud Section of the Criminal Division will handle a

telemarketing fraud case when asked to do so by a United States Attorney. Generally, the Fraud Section provides assistance to the United States Attorneys as needed. This assistance ranges from advice about investigative strategies and reviewing proposed indictments to assistance in the drafting of indictments and trial preparation and trials.

Two geographic areas in the United States where there has been significant incidence of telemarketing fraud and "boiler room" operations are the Southern Florida and Southern California areas. The United States Attorney offices for the Southern District of Florida and the Central and Southern Districts of California have emphasized prosecuting this activity and have worked closely with State and local law enforcement agencies in identifying and prosecuting telemarketing fraud. In the Southern District of Florida, the United States Attorney has historically employed local prosecutors who have been cross-designated as Special Assistant United States Attorneys, and has designated Assistant United States Attorneys as Special State's Attorneys to help combat the problem of telemarketing fraud.

Generally, over the last several years resources have been allocated by the United States Attorneys based on their determination of priorities within their offices. This determination is made with due consideration of Departmental level priorities. We expect this practice to continue. While telemarketing fraud is important, drug trafficking, defense procurement fraud, financial institution and securities fraud, and public corruption are several of the higher priority areas competing for investigatory and prosecutorial resources. We do not, however, have reason to believe that telemarketing fraud is being inadequately addressed at the Federal level.

Due to the way statistical data are reported, it is not possible to identify fully all of the resources that have been utilized over the last three years. In some districts, however, over 10 Assistant United States Attorneys may be involved at any given time in the investigation and prosecution of such offenses. Now that the United States Attorneys have the benefit of receiving an additional 471 Attorneys to do work in the Asset Porfeiture and Narcotics areas, it is expected that existing resources which had been diverted to prosecuting drug offenses can be re-directed toward the fraud area.

The existing statutes, especially the conspiracy statute (18 U.S.C. 371); wire fraud (18 U.S.C. 1343); mail fraud (18 U.S.C. 1341); Interstate Transportation of Stolen Property (18 U.S.C. 2314); and credit card access statutes (18 U.S.C. 1029), appear to be adequate to address the problem. Certain States, such as California and Florida, have recently enacted laws which require persons who solicit funds over the telephone to register with the appropriate State agencies under penalty of criminal

prosecution. These State statutes have assisted in the investigation and prosecution of such offenses.

QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

Attorney General

Additional Tools to Combat Illegal Drugs

QUESTION: With last year's passage of the Anti-Drug Abuse Act of 1988, Congress attempted to provide the Department of Justice with several additional tools -- enhanced resources, new maximum criminal penalties, minimum sentences, increased fines, and other authorities -- to curb the tide of illegal drugs and related crimes. Are there any additional tools or changes you would request from the Congress at this point?

ANSWER: The Anti-Drug Abuse Act of 1988, together with the Anti-Drug Abuse Act of 1986, provided a broad range of useful tools in combatting drug and related crime, including the addition of many provisions aimed at assuring that drug violators will receive appropriate sentences. One important area not covered by the prior legislation is the need for limitation of the exclusionary rule, under which Federal courts have suppressed or excluded otherwise admissible evidence because of a determination that it was obtained in an illegal manner. The Supreme Court has created numerous exceptions to the application of the exclusionary rule for Fourth Amendment violations and has held that it does not apply where evidence was obtained in violation of the Fourth Amendment, but as a result of objectively reasonable reliance on a search warrant. The Department believes that this limitation on the applicability of the exclusionary rule should control regardless of whether the search was pursuant to a warrant. A statute providing that evidence may not be excluded on the ground that it was obtained in a search or seizure that violated the Fourth Amendment if the search or seizure was undertaken in an objectively reasonable belief that it was in conformity with the Fourth Amendment would remove an obstacle to the successful prosecution of controlled substance and other cases. At the same time it would retain the sanction of exclusion for cases based on bad faith searches or egregious conduct reflecting an unjustified ignorance of established search and seizure principles.

Another area in which Congress can take action to help in the fight against illegal controlled substances is through the enactment of a series of minor and technical amendments. While the Anti-Drug Abuse Act of 1988 provided many needed tools, it created certain anomalies and inconsistencies which have been identified by the Department and which could involve prosecutors in unnecessary litigation. In addition, an anomaly is

contained in Section 6401 of the Act. This section authorizes the Drug Enforcement Administration and the Federal Bureau of Investigation (FBI) to pay bonuses to Criminal Investigators having bi- or multi-lingual abilities. The Immigration and Naturalization (INS) is concerned about its exclusion under this provision. The Department concurs with the INS that it should be included under these provisions since its Border Patrol Agent and other law enforcement occupations have bi- or multi-lingual requirements. The correction of these anomalies and inconsistences would improve the law and allow us to focus our resources on the prosecution of additional controlled substance violations.

Funding Gridlock

QUESTION: One of the problems this subcommittee has seen very clearly is the resource problems inherent in any major build up such as the war on drugs. The Department investigates, arrests, prosecutes, transports, detains, and incarcerates. As one part of this vertical scheme receives additional funds, gridlock may occur in other parts not funded adequately or consistently.

How do you feel the Department's request responds to this problem?

ANSWER: The Department's request once again represents the necessary balancing of the resources and responsibilities to meet our mission requirements. This committee has been cognizant of this need, perhaps as much as any other, and has provided assistance particularly in the area of enforcement personnel and the attention given to prison construction.

During the past and the present Administrations, our requests have been carefully constructed to provide each of the Department's critical functions with the resources needed to accomplish their objectives without placing undue stress on other components. This total system approach recognizes the integral relationship between crime prevention, law enforcement, prosecution, and civil litigation and incarceration. The system becomes unbalanced if we do not have enough money to prosecute when cases come to court or to incarcerate when convictions are obtained.

Specific gridlock addressed in our 1990 request includes the results of previous and increased activities from one end of the system to the ultimate end of the system. That is, of course, the increasing number of inmates and detainees produced by vigorous Federal law enforcement efforts. Unfortunately, some resources are required to catch-up or reduce existing prison overcrowding. However, funding needs were also measured against requests for increased resources in the war on drugs that will result in future detainments and incarcerations.

The war on drugs remains our top priority. Beyond the front-line investigative activities are the United States Attorneys. Investigation without the resources to prosecute becomes an empty exercise. We must take care that the United States Attorneys' and the courts' resources are balanced so that they are not overwhelmed with drug cases to the degree that they cannot handle their other criminal and civil responsibilities.

Additionally, the request includes funding for a variety of more vigorous criminal prosecutions and a wide range of litigation that without some careful planning will result in the same gridlock.

Also in the chain of Justice activities is the United States Marshals Service and its responsibility for court security; execution of warrants; prisoner housing, handling, and transportation; witness security; seized asset management; fugitive investigations; and international extraditions. Once again, concomitant resources were requested, for this post-investigative activity, after careful review of front-loaded increases.

Finally, resource needs that will increase productivity such as expanded use of automated technology or efforts to collect debts owed the Federal Government were factored in. In short, the request was constructed to ensure that there is a proper balance of resources among all of the components of the criminal justice system -- a responsibility that is shared by the Administration and Congress.

Savings and Loan Enforcement Resources

QUESTION: Would you provide for the record the details behind the President's 1989 and 1990 requests for savings and loan enforcement resources?

ANSWER: The Administration's Savings and Loan Reform package includes a \$50 million authorization for three years beginning in 1989.

A 1990 budget amendment for \$50 million will be forwarded in the near future. However, recognizing the need to enhance enforcement efforts as quickly as possible, the Administration is proposing a 1989 supplemental request of \$36.8 million for the Department. The supplemental funding will support 660 new positions, almost doubling the personnel dedicated to the apprehension and prosecution of individuals committing fraud against our financial institutions. Included are 236 new FBI agents to assist in investigations, 118 new prosecutors in the United States Attorneys' Offices, 30 new attorneys in the Department's Tax and Criminal Divisions, and 276 additional support personnel for the various components. The 1990 budget amendment would annualize these positions and provide for an additional 100 accounting technicians in the FBI. The increase in attorney and support staff in

the litigating divisions would enhance our ability to provide a nucleus of experienced prosecutors for task forces, and augment the resources of those United States Attorneys' Offices that may not require a substantial increase in their own resources to cope with a regional crisis, but may from time to time need assistance in investigating and prosecuting such cases. In addition to staffing increases, we will develop new specialized training programs for prosecutors in financial institution fraud enforcement, strengthen administrative capabilities pertaining to coordination of interagency task force activities, and enhance financial institution fraud case tracking capabilities.

Our plan envisions the creation of strike forces in regions of the country where financial institution failures have been widespread. The success of a year-old model task force in Dallas, Texas makes it clear that bringing together investigative and prosecutive resources permits a focusing of effort that produces results. Currently more than 12 attorneys from the Criminal Division's Fraud Section, four Assistant United States Attorneys, 25 FBI agents and 16 IRS investigators constitute what has become known as the Dallas Bank Fraud Task Force. The Task Force has brought criminal charges against 33 individuals to date. There have been 20 convictions and only one acquittal. Three defendants are on trial and six are awaiting trial. No plea has been entered for the remaining three defendants. Of the twelve defendants sentenced, eight received imprisonment and four were placed on probation. Imprisonment generally ranged from six months to one year, but one defendant received 35 years imprisonment. Fines totaling \$133,250 have been imposed and restitution totaling \$2,791,500 has been cordered, of which \$591,500 was directed to the Federal Savings and Loan Insurance Corporation. The resources requested by the President will permit the Department to coordinate its attack on crime in financial institutions.

Organized Crime Initiatives

QUESTION: What specific initiatives against organized criminal activity do you intend to emphasize?

ANSWER: The FBI will continue to further its efforts in stemming the threat posed by the La Cosa Nostra (LCN) to industry and labor unions, including expanded use of the criminal and civil provisions of the Racketeer Influenced and Corrupt Organization (RICO) statute, and will initiate additional criminal investigations into the illegal activities of Asian organized crime groups. Successes by the FBI serve as a constant reminder of the effects organized crime has upon society.

The LCN, through its control of legitimate unions, gains political power, economic power, and a vast source of funds from which it can finance other illegal activities. The four major unions over which the LCN has demonstrated

control and/or illegal influence are the International Brotherhood of Teamsters, the Laborer's International Union of North America, the Hotel Employees and Restaurant Employees International Union, and the International Longshoreman's Association. The FBI hopes to intensify its efforts into the LCN's illegal control over these unions.

In addition to its criminal investigations into LCN labor racketeering activities, the FBI emphasizes the use of the civil provisions of the RICO statute. This newly utilized remedy of injunctive relief dismantles criminal organizations and prohibits their illegal association with infiltrated labor unions and businesses. Several civil complaints have already been filed.

The FBI's Organized Crime Program is also attempting to initiate additional Avian organized crime investigations. The President's Commission on Organized Crime stated that, should the threat posed by the LCN be eliminated, there are new ethnic organized crime groups in existence that are willing and able to fill the void. Some ethnic criminal groups that have been in existence for as long, if not longer, than the LCN, are emerging as viable organized crime entities in the United States. Two examples, of these groups, are the criminal elements within the Chinese Triads/Tongs and the Japanese Yakuza.

We will continue our efforts to eradicate the LCN. We intend to stop other criminal groups before they achieve the stranglehold on society the LCN once enjoyed. Separate working groups are working under my direction on Asian and Jamaican organized crime. The Criminal Division is studying United States-based Sicilian organized crime groups. We are stepping up efforts to use asset forfeiture and civil enforcement to deter organized criminal activity. We also intend to expand on our recent successes in the savings and loan area, especially where organized crime victimizes the treasuries of labor unions as well as financial institutions. Finally, we intend to press forward with our labor racketeering program using civil enforcement tools aggressively and focusing on benefit plan fraud which victimizes our nations workers. We have had great success in the war against organized crime as witnessed in our report "Statement of Federal Organized Crime Strike Force Accomplishments 1981 - 1988."

Environmental Law Enforcement

QUESTION: Could you describe what specific steps the Department is taking to enhance its enforcement of Federal environmental laws?

ANSWER: The Land and Natural Resources Division has assumed the role of an information clearinghouse and training facilitator vis-a-vis not only Assistant United States Attorneys, but State and local investigators and prosecutors. We have adopted a cross-organizational task

force approach to the implementation of new law, and the Division is ready and able to pursue new and novel applications of the laws. The Lands Division seeks to identify loopholes in legislation, and then to suggest means to modify and strengthen our enforcement capabilities legislatively after consulting affected parties. We are committed to evenhanded application of the law, one directed not just at private industry misdeeds but to Federal employees to the extent the law permits. Similarly, where practicable, we seek to negotiate fair resolutions among opposing parties, be they private industry, public interest groups, or local governments. In so doing, we counsel our clients, other Federal agencies, in an ongoing effort to expedite remedies and minimize costs to the Government. Finally, the Division represents the Department's environmental enforcement interests in a variety of forums and official committees, e.g., the Convention on International Trade in Endangered Species, and the National Environmental Enforcement Council.

RICO

QUESTION: Legislation has been introduced in the House which would add approximately 30 new predicate offenses to RICO, as well as make other changes. Do you support expansion of RICO predicates? What is the Department's view towards the RICO statutes, with respect to those involving Government action and private civil litigants?

ANSWER: As we have advised the Congress in commenting on bills to amend RICO over the past several years, we do not support the addition of numerous predicate offenses to RICO. Although it would be worthwhile to add certain new predicates in the area of fraud to address the growing problem of major white-collar crime, adding offenses such as destruction of aircraft, hostage-taking, and others that have been proposed is unnecessary and may actually be counterproductive. We prefer to see the statute retain its original purpose of addressing traditional racketeering activities characteristic of organized crime, rather than becoming a catch-all provision to enhance penalties for a broad and unfocused assortment of crimes.

With respect to the RICO statute itself, its criminal and civil provisions are vitally important to our enforcement efforts against organized crime, labor racketeering, and other serious criminal conduct. We have achieved many notable successes using RICO, and we expect to continue to do so. We do believe that some limitation of the private civil remedies is warranted, in view of the explosion of sometimes unwarranted private RICO suits in recent years. We have been working closely with the appropriate Congressional committees to achieve a legislative solution that will achieve the needed reforms while preserving the statute's provisions intact for use by the Federal Government.

Sentencing for White Collar Crime

QUESTION: What are your views on sentencing policy with regard to white collar crime, such as criminal antitrust violations?

ANSWER: We believe that white collar crime is a serious form of crime often deserving of significant criminal sanctions. White collar crime can take a variety of forms, including procurement fraud against the Government, fraud against financial institutions, violation of the environmental laws and laws relating to food and drugs, and antitrust offenses. It can produce a range of serious harms, including financial loss to victims, destruction of financial institutions and markets, and physical injury or death. Moreover, white collar crime, like other forms of crime, creates harm to the fabric of society. The harm is not diminished because the violator manipulates accounts instead of reaching into another's purse. On the contrary, the harm may be increased because white collar crime is often accomplished through concerted activity, which poses a special threat to society. A failure to punish white collar crime adequately will breed a cynicism about the law and foster a general disrespect for it.

Business crime, like other criminal activity, should be punished sufficiently to meet the purposes of sentencing set forth in the Sentencing Reform Act of 1984 -- just punishment, deterrence, protection of the public, and rehabilitation. This means that white collar defendants must at times be incarcerated and that significant fines and appropriate restitution must be imposed. Placing a white-collar defendant on probation and requiring him to contribute to a local charity as the sole form of punishment, as has sometimes occurred in the past, is inadequate. The United States Sentencing Commission has developed sentencing guidelines applicable to individual defendants involved in a range of white collar crime but has not yet promulgated guidelines for organizations, except in the area of antitrust violations. The Department has been working with the Commission and will continue to do so in the development of guidelines relating to white collar crime. We will strive for adequate sentences which will punish offenders, deter others, and bring companies into compliance with the law; and we will stress to the Sentencing Commission the need to respond to Congressional enactments increasing penalties for particular offenses.

QUESTIONS SUBMITTED BY CONGRESSMAN REGULA

Attorney General

War on Drugs

QUESTION: How much success are we having in stemming the flow of drugs from Latin America? Are any programs of international organisations, such as the Organisation of American States, contributing to the effort?

ANSWER: The United States is continuing its long-standing effort to stem the flow of drugs from Latin America and is joined in this effort by many other governments. Last summer, for example, the United States participated in a one-month exercise of simultaneous operations under the auspices of the International Drug Enforcement Conference. During that operation, over 8.5 metric tons of cocaine hydrochloride were seized in the United States, Latin America, Canada, and Europe.

Statistical accomplishments of the Latin American initiative from April 1987 through September 1988 are as follows:

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- 146 hydrochloride laboratories destroyed;
 3,500 cocaine paste and base labs destroyed;
 35,000 kilograms of cocaine hydrochloride seized;
 52,000 kilograms of cocaine base seized;
 28,000 kilograms of cocaine base seized;
 575,000 gallons of essential chemicals seized,
 capable of producing 125 metric tons of cocaine;
 seizures of 79 aircraft, 37 boats, 819 vehicles,
 and \$5.3 million in currency.
- and \$5.3 million in currency.

Equally important are the intelligence contributions of the initiative and the level of disruption it is creating in the cocaine trafficking network.

Additionally, the recent United Nations International Conference in Vienna, Austria, where 110 countries signed agreements concerning money laundering, chemical diversion and extradition included several Latin American countries.

QUESTION: It appears from news sources that Drug Enforcement Administration (DEA) personnel conducting overseas operations are increasingly being used in areas where guerrilla insurgencies exist. Since it is not the mandate of the DEA to fight insurgent forces, how does the agency draw the line between shutting down foreign drug operations and clandestine laboratories, and preventing its involvement in guerrilla warfare? It appears from news sources that Drug

ANSWER: DEA does not participate in direct law enforcement functions in overseas operations; i.e., DEA does not effect arrests or become involved in situations

where shooting may result, in accordance with the provisions of the Mansfield Amendment. First and foremost, DEA acts primarily in an advisory capacity, providing training and supplies to the host country's police agencies. Other activities include the collection of timely intelligence information to support enforcement efforts against cocaine trafficking, which leads to the investigation and prosecution of major cocaine trafficking organizations.

DEA agents may only shoot weapons when protecting themselves or other officials participating with them. Because DEA's mission is drug law enforcement, DEA agents do not become involved in local guerilla warfare. In the event our agents are threatened, they would be immediately evacuated.

Office of Justice Programs

QUESTION: No funds are being requested for the Anti-Drug Abuse program in 1990. Considering the positive feedback from programs such as DARE and McGruff, as well as the nation's current focus on the "war on drugs", are we sending the wrong message by ending this program at this time?

ANSWER: The 1990 budget amendments announced by President Bush on February 9, 1989, include funds to continue the Anti-Drug Abuse program at the 1989 level.

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United States Marshals Service

QUESTION: You are requesting \$15 million under Support of United States Prisoners of the United States Marshals Service for Phase II of the Cooperative Agreement Program. Could you explain how and where you anticipate operating this program?

ANSWER: With Bureau of Prison (BOP) facilities an average of 60 percent over capacity — this overcrowding is even higher in areas near major Federal court cities — the Marshals Service must rely, even more than it always has, on State and local facilities to house prisoners in its custody. Each day, Deputy Marshals travel upwards of 200 miles simply transporting prisoners to and from court proceedings.

To ensure a comprehensive strategy to the national detention crisis, the Service coordinates Cooperative Agreement Program (CAP) activity in conjunction with BOP construction planning. The \$15 million requested for CAP in 1990 represents the second phase of a five-part Department of Justice plan to increase detention space. It provides for construction of over 600 State and local jail spaces (guaranteed up to 15 years) in areas where there are severe shortages. Selected facilities in the

following States are targeted for such funding: California, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, Nebraska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

QUESTIONS SUBMITTED BY CONGRESSMAN KOLBE

Attorney General

Redress of Japanese Americans

QUESTION: In Public Law 100-383, providing redress to Japanese Americans for involuntary internment, the law states that no funds shall be disbursed until all eligible citizens have been identified and located. What is the status of this identification and location effort. When do you expect this effort to be completed?

ANSWER: As of February 1989, using historical information, the Office of Redress Administration (ORA) has obtained the names and dates of birth of approximately 90 percent of all persons interned in this program. These names have been entered into a computer system which can sort them by age. In addition, ORA has current addresses for approximately 75 percent of the approximately 60,000 surviving eligible persons. We believe that most of the potentially eligible persons can be identified and located by August 10, 1989, with the exception of a small percentage of difficult cases.

QUESTION: It would appear that the identification and location process is never ending. What standard will you apply to determine that the process is, in fact, complete?

ANSWER: It is not never ending; except for the publication of the final regulations, the identification and location phase is expected to be essentially completed by August of 1989. Thereafter we will begin verification, notice and payment.

QUESTION: Of the \$20 million estimated for 1990 for the Civil Liberties Public Education Fund, how much is allocated to the identification and location effort, and how much in actual redress payments?

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ANSWER: All of the \$20 million estimated for 1990 is for redress payments. The Act states that no costs incurred by the Attorney General in carrying out the responsibilities under this Act shall be paid from the Fund. The administrative costs are separately appropriated. We have requested \$2.1 million as a 1989 supplemental and \$3.5 million for 1990. These amounts will support the entire identification and location project and the verification and payment of the first 1,000 payments.

3)

QUESTIONS SUBMITTED BY CONGRESSMAN LEHMAN

Attorney General

Immigration and Naturalization Service

QUESTION: Are you reviewing present policy which requires political asylum hearings at sea for Haitian refugees? What alternatives, if any, are you considering? It seems to me that it is virtually impossible to insure a fair hearing to tired, scared refugees without counsel or a chance to prepare documentation. Congressman Pepper has a bill to require that the Coast guard bring interdicted Haitian refugees back to the United States for asylum hearings.

ANSWER: We are satisfied with the present procedure for establishing the intention of Haitian migrants interdicted in international waters.

We do not make an asylum determination when persons are interviewed on a United States Coast Guard cutter. Rather, by utilizing interpreters fluent in Creole, we ask questions to determine why these persons are coming to the United States, and what fear, if any, they have of returning to Haiti. The Haitians encountered at sea have virtually no documentation or lawful basis to enter the United States. Most are coming to obtain employment or join other family members in the United States.

When an individual does express a fear of returning to Haiti and indicates a reason which could be the basis of a well-founded fear of persecution, they are brought to the United States. In such cases, these Haitians are placed in exclusion proceedings, where an immigration judge will determine their asylum request.

Congressman Claude Pepper's bill, H.R. 811, would not alter present procedure since it would only affect aliens encountered within the territorial limits of the United States. Such aliens are always brought on shore and placed in exclusion proceedings.

QUESTION: It would be very sad if the United States only grants political asylum to eligible applicants who are well-educated enough to speak English and to understand arcane procedures even lawyers don't understand, or who are wealthy enough to afford the legal firepower that gets results. What steps is the Immigration and Naturalization Service (INS) taking to insure that Haitians applying for political asylum receive adequate assistance to insure they do more than just go through the motions?

ANSWER: Anyone applying for asylum in the United States may utilize the assistance of attorneys, voluntary agencies, or community organizations in preparing their asylum applications. When the asylum request is made to a district director of INS, the alien will be interviewed

and required to speak for himself, although an attorney or accredited representative may be present. Asylum examiners are trained to ask questions which will reveal the basis for a well-founded fear of persecution even though an applicant may not understand technical aspects of asylum regulations and case law.

When an individual is placed in exclusion or deportation proceedings, he or she is given a list of organizations or individuals which may provide free legal services. Each individual will be reminded of his or her right to have the assistance of an attorney by an immigration judge at the initial hearing. In deportation and exclusion proceedings, an attorney or accredited representative may speak for or make representation on behalf of an alien. However, the immigration judge will commonly ask questions directly to any alien seeking asylum. Of course, when an alien does not speak English an interpreter is provided by the government to assure full communication.

QUESTION: Some of the Haitian detainees at Krome have complained that, despite strong ties to our community, they are nonetheless imprisoned for periods that often stretch into months.

After my visit to Krome, I would urge a stronger effort to release Haitians into the community pending the outcome of their cases, particularly if they have no criminal record and if they have family or sponsors who would take responsibility for them. I understand that this is done for other groups, like Micaraguans and Cubans. Will the Justice Department look into ways to implement such a policy for Haitian detainess at Krome?

ANSWER: Unlike some other aliens detained at Krome, most of the Haitian nationals are in exclusion proceedings. Section 235(b) of the Immigration and Nationality Act directs that every alien (other than crewmen, stowaways, and security risks who are covered by other provisions) "who may not appear to the examining immigration officer at the port of arrival, to be clearly and beyond a doubt entitled to land, shall be detained for further inquiry to be conducted by a special inquiry officer". Thus, detention is mandated.

Discretionary parole authority is delegated under 8 CFR 212.5(a) to the district directors of INS. This parole authority is frequently exercised in the cases of inadmissable aliens for emergent reasons or in the public interest. Although an individual may have family in the United States, the Service will consider only close family relatives (parent, spouse, children or siblings who are United States citizens or lawful permanent resident aliens) who are eligible to file and have filed a visa petition on behalf of the detainee.

QUESTION: When Haitians are released into the community pending decisions in their cases, will the INS authorize

work permits for these people?

ANSWER: The classes of aliens authorized to accept employment are described in 8 CFR 274a.12. Upon application, an alien who meets those requirements will be granted an employment authorization. Each case is carefully reviewed and evaluated.

QUESTION: Many in our community feel that the asylum process is stacked against the applicants, that Haitians are too often pushed through the asylum process more for the convenience of the bureaucracy than to actually provide protection to those threatened with political violence.

Two recent cases are examples.

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A Haitian refugee whose mother was apparently killed in political violence was already on the plane about to be deported when literally a last-second motion by a Haitian Refugee Center lawyer caused the deportation order to be rescinded because the refugee was not permitted due process.

In another case, an Immigration Judge ignored recommendations by the State Department and granted political asylum to a Haitian folk singer who maintained that he would be killed if he returned home. His mother and sister were also reportedly killed in political violence.

Even though the system apparently worked in these cases, it raises questions about how many others may have "fallen between the cracks" because of breakdowns in the system. Because human lives are involved here, the stakes are high.

What safeguards or guarantees does the INS have to insure the integrity of its own procedures and processes in asylum cases to prevent "mistakes" from occurring?

ANSWER: INS is handling asylum adjudication in a fair and professional manner. Asylum determinations by INS district directors are made on the basis of direct interviews of the applicants, evaluations of information provided with the written application and consideration of human rights conditions in the nation of the applicant, as well as the advisory opinion of the Department of State. The asylum examiners prepare a recommended decision that is reviewed by a supervisor before being signed by the district directors. Regular training is given to asylum examiners and the Office of Refugees, Asylum and Parole of INS monitors the overall asylum program through visits to individual offices and the review of specific cases.

Finally, persons denied asylum by district directors have the opportunity to renew their asylum request before an immigration judge in exclusion or deportation proceedings. A denial of asylum by an immigration judge can further be appealed to the Board of Immigration Appeals.

QUESTION: The Cuban-Haitian Entrant Act of 1986 allowed refugees who entered the country in 1980 and 1981 special consideration to adjust their status to become permanent residents. Applications were accepted for this program between November 30, 1986 and November 30, 1988.

I understand that many of these applicants, some even from 2 1/2 years ago, still have not been called for their interviews. Their applications are still pending, and they are in limbo.

What actions is INS taking to reduce this backlog?

ANSWER: The Service has completed over 45,000 cases submitted under the Cuban-Haitian Adjustment section of the Immigration Reform and Control Act of 1986. Interviews have been completed for all applications submitted through July 1988. The Service is unaware of any applications pending from 2 1/2 years ago. Those applications which were submitted within the last four months of the program will continue to be scheduled for interviews on a routine basis. Currently, there are less than two thousand cases pending in this category.

QUESTION: During my visit to the Krome INS Detention Center, I learned that about 70 percent of the Haitian detainess there arrived by airplane and were taken into custody by INS at Miami International Airport. Although the State Department does the clearance for entrance visas, do you think it would be useful for people traveling to the United States from Haiti to be cleared, like those who are traveling here from airports in Canada and Ireland? Will you bring up this matter with the State Department?

ANSWER: Preclearance would be useful in dealing with the problem of Haitian citizens traveling to the United States without visas. It has been considered and would involve numerous problems before implementation could occur.

WEDNESDAY, MARCH 8, 1989.

FOREIGN CLAIMS SETTLEMENT COMMISSION

WITNESSES

STANLEY J. GLOD, CHAIRMAN DAVID BRADLEY, CHIEF COUNSEL JUDITH LOCK, ADMINISTRATIVE OFFICER

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-TRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. Smith. This morning we continue with the Foreign Claims Settlement Commission. Their request is for \$440,000 for 1990. We will insert at this point in the record the Commission's fiscal year 1990 budget justification.

[The justification materials follow:]

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Poreign Claims Settlement Commission DEPARTMENT OF JUSTICE

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Estimates for Fiscal Year 1990

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The Poreign Claims Settlement Commission is requesting a total of \$440,000, seven permanent positions and seven workyears for 1990. This request represents a net decrease of \$32,000 from the 1989 appropriation of \$472,000, seven positions and seven workyears.

and The Commission consists of a Chairman and two part-time Commissioners, all of whom are appointed by the President with the advice consent of the Senate. The part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chairman.

The principal mission of the Commission is to adjudicate claims of American citizens arising out of the nationalization, expropriation or other taking of their properties and interests by foreign governments, under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended. To date, the Commission has compiled and evaluated such claims against 14 countries: Yugos Lavia, Pânama, Poland, Bulgaria, Hungary, Rumania, Italy, the Soviet Union, Czechoslovakia, Cuba, China, the German Democratic Republic (East Germany), Vietnam, and Ethiopia.

In 1990, the Commission will continue its advisory function to the Congress and the Departments of State and Treasury concerning claims profer the United States-fran Claims Tribunal at the Hague. In accordance with Public Law 99-30, the Commission will also initiate a program for adjudication of the Class of claims before the Tribunal which are currently being handled by the Department of State, as soon as a lump-aum settlement agreement concerning such claims is concluded with the Government of Iran.

The Commission will continue to assist the Department of State in conducting claims settlement negotlations with the Garman Democratic Republic, and will also provide assistance in settlement negotlations with other countries; as requested by the Department.

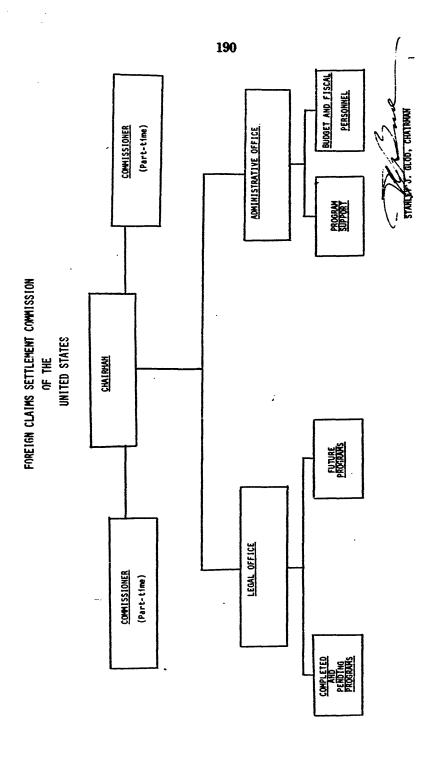
The Commission will assist the Department of the Treasury in paying awards which have been certified for payment from existing claims funds, such as the Czechoslovakian claims fund and the Ethiopian claims fund,

of 1948, as emended, the Commission will continue to have authority to award compensation to American military Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment Under the War Claims Act prisoners of war held in while in captured status.

Include by The Commission will continue to develop an automated data base of information on past claims programs. This data base will master index of all programs and the text of important decisions rendered by the Commission, for reference and research use Commission and other government attorneys, private attorneys, and other members of the public.

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\$ ğ The Commission will continue to provide informational services from the records pertaining to the 39 completed international an war-related claims programs it has conducted. As requested, it will also provide advice on policy determinations, preliminary planning, evaluation of pending claims lagislation, and lisian with Congressional committees considering lagislation intended provide for adjudication of additional types or classes of claims.



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Poreign Claims Settlement Commission

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed charges in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Poreign Claims Settlement Commission

For expenses necessary to carry out the activities of the Poreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Poreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personal assigned abroad; rental or lease, for such periods as may be necessary, of office spece and living quarters of personal assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for adult properties, insurance on official motor vehicles abroad; advances of funds abroad; abvances or reimburgements to other Covernment agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of allens; [\$472,000]

22 U.S.C. 1621-1645) 50 U.S.C. App. 2001-2017. Department of Justice Appropriation Act 1989, additional authorizing legislation to be proposed.

Explanation of changes:

No substantive changes proposed.

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Poreign Claims Settlement Commission Salaries and expenses

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Summary of Requirements (Dollars in thousands)

Amount	2 - 2 2 	1990 Base 1990 Estimate Indicess/Decresse Pers. Pers. Pers. You are to bers.	:
Years	-::=	A Dec	:
ė į	-::+	No.	:
		1990 Base 1990 Estimate Pern. Poe: NY ARt. Poe: NY ARt.	\$ 440
		젊	-
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			\$
	ğ	8 3	~
	8		1
	peratic	e le le	\$472
	3	충취 숙	7
	financ	1989 Appropriation Electron Person MX Aut.	,
	e C	iua)	\$427
		절	•
	o de	1988 Actual · Perm. Pos · MY Ant.	•
	tration	1988 Eracted 1988 Actual Perm. Perm. Mr Amt. Porm. Mr Amt.	200
			•
	2	88.1	•
	2 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	12.21	:
Adjustments to base:	1989 appropriation enacted	Estimetes by budget activity	Adjudication of Inter- national claims 9 9 \$500 7 6 \$427 7 7 \$472 7 7 \$440 7 7 \$440

Justification of Program and Performance Poreign Claims Settlement Commission Adjudication of International Claims Salaries and expenses

in.

	Perm.	2 S S	prietion ted Amount	Perm.	1990 Bese WY Amoun	1990 Bose Perm. Pos. WY Amount	Perm. Pos.	1990 Estimator	1990 Estimate Perm. Pos. WY Amount	Increase/D Perm. Pos. WY	-6286/De	Decrease
otivity: Adjudication of International Claims		,	\$472	~	1	\$440	,	,	\$440	:	:	:

<u>Long-Range Coal</u>: To make effective detorminations of unsettled claims of American nationals against foreign governments within the framework of the international Claims Sottlement Act of 1949 and other portinent statutes, and to provide assistance to claimants in past international and war-related claims programs.

Major Objectives

To provide assistance to the Department of State in the presentation of United States claims before the United States-Iran Claims Tribunal at The liague.

To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on past claims.

To advise other species and the Congress concerning potential future programs and to comment on pending legislation.

To assist the of State in negotiations for the settlement of adjudicated claims against foreign governments, including those of East Germany, Vistnam and Cube.

To assist the Department of the Treasury in making distributions on past awards certified by the Commission.

To conduct preliminary planning of pending new programs.

To conduct preliminary planning of pending new programs.

To respond to requests for advice on policy determinations relating to the settlement of international claims.

se Program Description

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The Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with req-to the 19 completed international and war claims programs it has conducted. It also provides advice on policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and ilaison with Congressional committees considering such legislation.

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Under the authority conferred upon it by Public Law 99-93, the Commission will adjudicate claims of United States nationals against Itan for property losses amounting to lass than \$750,000, as soon as an en bloc settlement of those claims is concluded with the Iranian government. In addition, the Commission will continue to provide technical assistance to the Department of State its efforts to conclude claims settlement agreements with foreign government, including, in particular, an agreement with the government of East Germany to settle claims adjudicated under Public Law 94-542.

Utilizing its basic authority under Title I of the International Claims Settlement Act of 1949, as amended, the Commission will conduct claims adjudication programs following the Department of State's successful conclusion of claims settlements with foreign governments. In addition to East Germany, countries with which agreements remain to be negotiated include Albania and the Soviet Union. Union. Union settlements and the Soviet as amended (22 U.S.C. 2370(e)), the Commission also has organing authority, upon request of the President, to evaluate property of United States nationals expropriated or otherwise subjected to action by foreign governments in violation of international law.

Under the Mar Claims Act of 1948, as amended, the Commission is empowered to authorize payments of compensation to American ppisoners of Mar and civilians captured or intermed by hostile forces in Southeast Asia during the Vietnam conflict, or to their survivors, for inadequate rations and inhumane treatment while in captured status. The Commission to date has authorized awards to 736 prisoners of war or their survivors in the amount of \$5,347,773; awards to 41 civilian internees in the amount of \$229,337; and awards to manhoors of the orew of the USB pubble in the amount of \$68,675, for a total of \$8,547,785. The status of a small number of military servicemen listed as Missing-in-Action who may have been held as prisoners of war remains to be determined by the Department of Defense. Upon receipt of these final determinations, this program will be completed.

Accomplishments:

Commission will have completed development of its automated data base containing information on past claims programs, sisting of a master index of all claims and the text of significant decisions, which will facilitate research on international me law by Commission attorneys, other government attorneys, private practitioners, and other members of the public.

Foreign Claims Settlement Commission

Seleties and expenses Detail of Permanent Positions by Category Flacal Years 1988 - 1990

Category	1988 Author (ged	1989 Author i zed	1990 Total
Attorneys (905)	24 4 €	1 66	H 656
Total	. 6	٤	į .
Washington	6	7	7
Total	6 .	4	7

Poreign Claims Settlement Commission Salaries and expenses

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Justification of Adjustments to Base (bollars in thousands)

Amount

Workyears

e a

Transfers to and from other accounts: 1. Pinancial Operations Service Transfer	:	:	
A transfer of \$7,000 from funds appropriated to the General Administration appropriation for financial services, is provided to all users of the Financial Operations Service [RDS] of the Juticle Management Division. The amount transferred is based on estimated usage and will orose the cost of services performed by the ROS. Beginning in 1990, the ROS functions which include accounting, voucher processing, financial responses, etc. will be transferred to the Horking Capital Fund and expenses will be charged back to sech user organization.			
Total transfera	:	:	l .
Mandatory increases: 1. 1989 Pull-year pay increase impact on 1990	:	:	
This request provides for the full-year pay increase of 4.1 percent as contained in the General Provisions, Title VI, Treasury, Postal Bervice and General Covernment Appropriations Act, 1989 (P.L. 100-440), for civilian and military personnal to be effective January 1, 1989. The Commission will be required to absorb the total pay raise in 1989.			
2. Health Benefits	:	:	
The Federal Employees' Health Benefits Act (Public Law 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1954. Effective for the first pay period sefer January 1, 1981 the actual contribution to health insurance ingressed 33 percent. In addition, OPH has indicated that it anticipates an increase of at least 15 percent by 1990 due to premium increases. The requested increase of 82,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the miniaum 15-percent increase predicted by OPH.			•

	Perm. Pos.	Work-	Amount
3. Pederal Telecommunications System (FTS)	:	:	\$3
In 1986, the General Services Administration authorized a 16 percent increase in Pederal Telecommunications System (FTS) Intercity costs. This increase was mainly due to unanticipated tariff increases. GSA cost estimates for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a twenty-percent increase in FTS costs, This increase does not reflect additional use of FTS. The actual increase over the 1989 base availability is 24 percent. An increase of \$3,000 over the 1989 base of \$15,000 is requested.			
4. General pricing level adjustment	:	:	-
This request applies OMB pricing guidance as of June 23, 1988, to selected expense categories. The increased costs identified result from applying a factor of 3.6 percent against those subobject classes where the prices that the Government bays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990 estimates.			
Total mandatory increases	:	:	ន
Decreases			
1. Non-recurring costs for benefits, supplies and travel to former employees	:	:	-49
Total decreases		•	- 49
Total, adjustments to base		1	-32

Foreign Claims Settlement Commission

Salaries and Expenses

Summary of Requirements by Grade and Object Class (Dollars in thousands)

Grades and salary ranges	1988 Actual Positions & Workyears A	i. F. Amount	1989 as Enacted Positions & Workyears Amount	acted f Amount	1990 Batimate Positions & Workyears Amo	ate f Anount	Increase/Decrease Positions & Workyears Amount	6 Amount
Executive Level V, \$75,500 GS/GH-15, \$57,158-74,303 GS/GH-14, \$48,592-63,172 GS-12, \$14,580-44,957 GS-9, \$13,846-31,001 GS-5, \$15,738-20,463	मं सम्बद्ध		<u>:</u>		- -		:77 : : :	
Total, appropriated positions	ĸ	\$187	'n	\$188	ĸn.	\$201	:	\$13
Pay above stated annual rates	: .	8	:	:	:	:	:	:
Savings due to lower pay scales for part of year		-2	•	-	•	:	:	3
Net full-time permanent	\$	187	2	185	s	201		16
Other than permanent:	1	26		88	2	20		6-
Total, workyears and personnel compensation	•	213	7	244	7	251	•	,
Average GS/GM Salary	₩.	\$33,610 10.5		\$32,510 10.3		\$30,689 10.0		

*Includes workyears associated with two Executive Level V part-time Commissioners and one other part-time employee.

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Poreign Claims Settlement Commission Salaties and Expenses Summary of Regultements by Grade and Object Class (Pollars in thomsonda)

Object Class	1988 Actual Workyears Am	Amount	1989 as Enacted Workyears Amoun	Enacted	1990 Estimate Workyears Amoun	timate	Increase/Decrease Workyears Amount	Amount
11 Personnel compensation: 11.1 Pull-time permanent	21	\$187	5 2	\$185	2.55	\$201		\$16
Total	٠	213	1	244	1	251	:	7
Other objects								
12 Personnel benefits		25 27 5		E 25.₹		œ : *		-35
-		8 7		103		105		
23. Communications, utilities, and miscellaneous charges		52.25		82:		2009		:7
25 OCHOF Services		15 4 0		= ~ -		7 9 7		1:1
Total obligations	•	427	1	472	,	440	:	-32
Relation of obligations to outlays:								
Obligated balance, start-of-yearObligated balance, end-of-yearAdjustments in expired accounts		161 -144 -21		-242		242 -330		
Outlays		423		374		352		

Mr. Smith. The Committee welcomes Stanley Glod, the Chairman of the Foreign Claims Settlement Commission. We will insert your biography in the record at this time.

[The biography of Mr. Glod follows:]

BIOGRAPHICAL DATA OF STANLEY J. GLOD

Before being appointed as Chairman of the Foreign Claims Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and is a member of the Bars of the District of Columbia, New York, and Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and is a member of the Bars of the District of Columbia, New York, and Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission, Mr. Glod was in private law practice in Washington, D.C. and Northern Virginia, and Settlement Commission of Columbia, New York, and Virginia, Mr. Glod was in private law practice in Washington, D.C. and Northern Commission of Columbia, New York, and Virginia, Mr. Glod was in private law practice in Washington, D.C. and Columbia, Mr. Glod was in private law processes and Columbia and Colum

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Prior to that, he served on active duty as a Judge Advocate Officer in the United States Army with major NATO commands in both France and Germany. He returned to teach law at The Judge Advocate General's School, U.S. Army, in Charlottesville, Virginia, and held a variety of assignments in the Department of Defense that examined mobilization, manpower and logistics issues, particularly as they effect emergency preparedness and the Reserve Components. He holds the rank of Colonel in the U.S. Army Reserve.

From 1975–1977, Mr. Glod served as a member of the Presidential Advisory Committe for Trade Negotiations, to which he was appointed by President Ford. He is fluent in Polish, German, and several Slavic languages, and is the author of a number of professional articles.

Born in Altoona, Pennsylvania in 1936, he is a graduate of John Carroll University (A.B., 1958) and the Georgetown University Law Center (J.D., 1961). During his service in Europe, he earned a certificate from The Hague Academy of International Law, The Hague, Holland, and a S.J.D. degree (international and comparative law) by combining studies at the Ukrainian Free University and the University of Munich. He is also a graduate of The National War College (1980) and The Industrial College of the Armed Forces (1982), Fort McNair, Washington, D.C., where he was also a member of the faculty. He is a father of four children and resides in McLean, also a member of the faculty. He is a father of four children and resides in McLean, Virginia.

OPENING STATEMENT

Mr. Smith. Do you have a statement?

Mr. GLod. Yes, we do. Good morning, Mr. Chairman. This morning I am accompanied by Mr. David Bradley, the Chief Counsel to the Commission, and Mrs. Judith Lock, the Administrative Officer.

I am pleased to have this opportunity to appear before you in support of the Foreign Claims Settlement Commission's fiscal year

1990 budget request.

The Commission is requesting \$440,000 in fiscal year 1990 for seven permanent employee positions and seven workyears. This represents a net decrease of \$32,000 from the agency's fiscal year 1989 appropriation. The \$440,000 requested includes an amount of \$281,000 for personnel costs and benefits and \$159,000 for support costs.

RESPONSIBILITIES

The commission's three principal functions are to adjudicate claims of United States citizens against foreign countries under jurisdiction conferred by Title I of the International Claims Settlement Act of 1949, as amended; Public Law 99-93, enacted in August 1985; and Public Law 91-289, enacted in 1970 as an amendment to the War Claims Act of 1948.

Under the first of these three enactments, the Commission will continue to stand ready to initiate new programs to handle claims against foreign countries with which claims agreements may be negotiated by the Department of State. During fiscal year 1990, such new programs may likely be required for claims against East Germany and the Soviet Union, as negotiations aimed at reaching agreements were begun with East Germany in 1982 and with the Soviet Union in 1988.

As these negotiations progress, the Commission will also continue to be called upon to provide technical assistance to the Department of State on relevant legal and factual issues since the negotiations are concerned, in large part, with claims the Commission previously adjudicated under Titles III and VI of the International Claims Settlement Act of 1949.

IRANIAN CLAIMS

Secondly, during fiscal year 1990, the Commission will continue to stand ready to take over the adjudication of United States citizens' claims against Iran valued at or under \$250,000 per claim, in accordance with Public Law 99-93, should a lump sum settlement be reached with the Iranian Government.

Since the signing of the Algiers Accords in 1981, the Department of State has been engaged in presenting these claims before the Iran-United States Claims Tribunal at the Hague on the claimants' behalf. Some 2,800 such claims were filed, and about 2,300 remain unresolved.

Pending conclusion of a settlement agreement, the Commission will also continue to be called upon to provide technical assistance to the Department of State on the international law principles and

precedents relevant to the validity of these claims.

As its third principal activity, the Commission will continue during fiscal year 1990 to carry out its statutory responsibility under Public Law 91-289 to adjudicate any further claims of United States Armed Forces personnel and civilians, or their survivors, that may be filed for compensation based on mistreatment while in captivity in Southeast Asia during the Vietnam conflict.

In addition, the commission will continue to provide information from its records on World War II, Korean War and Vietnam War era claims to veterans and their families seeking to qualify for benefits under various State and Federal programs, including medical

benefits provided by the Veterans Administration.

Finally, during fiscal year 1990, the Commission will continue to respond to requests from Congressional offices, Federal agencies, and the public for information and advice on completed claims programs, proposals for claims legislation, and issues involving the law of international claims.

As has been noted in the past, I would also like to mention that the operating expenses of the Commission, in fact, are ultimately borne only partially, if at all, by the taxpayer. Virtually all of the claims legislation under which the Commission has proceeded over the years has provided for a percentage of the compensation obtained from foreign governments to be set aside for deposit in the Treasury as miscellaneous receipts to defray the administrative expenses of conducting the claims programs. Since 1950, the budget obligations of the Commission and its predecessors have amounted to less than \$29 million, while the deductions have amounted to

over \$32 million.

Mr. Chairman, this concludes my statement in support of the Commission's fiscal year 1990 budget request. I or my assistants will be happy to answer any questions which you or the other members of the subcommittee may have.

[The statement of Mr. Glod follows:]

STATEMENT OF STANLEY J. GLOD
CHAIRMAN, FOREIGN CLAIMS SETTLEMENT COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have this opportunity to appear before you in support of the Foreign Claims Settlement Commission's 1990 Budget Request.

The Commission is requesting \$440,000 in 1990 for seven permanent employee positions and seven work years. This represents a net decrease of \$32,000 from the agency's 1989 appropriation. The \$440,000 requested includes an amount of \$281,000 for personnel costs and benefits and \$159,000 for support costs.

The Commission's three principal functions are to adjudicate claims of United States citizens under jurisdiction conferred by Title I of the International Claims Settlement Act of 1949, as amended; Public Law 99-93, enacted in August 1985; and Public Law 91-289, enacted in 1970 as an amendment to the War Claims Act of 1948. These respectively authorize the Commission to render decisions on (1) property claims of United States citizens against any foreign country (other than one that was at war with the United States in World War II) which has concluded an en bloc claims settlement agreement with the United States; (2) property claims of United States citizens against Iran valued at under \$250,000, contingent upon an en bloc settlement agreement with the United States; and (3) claims of United States military personnel and civilians held as prisoners-of-war or interned in

Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment, including forced labor, while in captured status.

The Commission has decreased its budget request in each of the last three years, with the objective of maintaining only the minimum level of staffing and physical resources needed to discharge its current statutory responsibilities. However, the Commission must also stand prepared to initiate new claims adjudication programs, in the event that international or other developments should require it to do so. During 1990, such new programs may likely be required for the determination of additional claims of United States citizens against East Germany and the Soviet Union, as prospects exist for success in concluding settlement agreements with one or both of those countries. Negotiations aimed at reaching agreements were begun with East Germany in 1982 and with the Soviet Union in 1988.

Furthermore, as these negotiations progress, the Commission will be required to provide continuing technical assistance to the Department of State on legal and factual issues relevant to the claims in question, based on the findings and determinations rendered in the claims programs it conducted under Titles III and VI of the International Claims Settlement Act of 1949.

Similarly, circumstances may likely develop during 1990 which will make effective the Commission's jurisdiction over the claims of United States citizens against Iran valued at or under \$250,000 per claim. Since the signing of the Algiers Accords in

1981, the Department of State has been engaged in presenting these claims before the Iran-United States Claims Tribunal at the Hague on the claimants' behalf. Some 2,800 such claims have been filed, based on property losses resulting from the revolutionary takeover of Iran in 1979. (Claims for losses greater than \$250,000 are presented by the claimants directly.) Under the terms of Public Law 99-93, the Department will transfer to the Commission, en masse, those claims that have not been disposed of by the Tribunal, as soon as a settlement is reached.

Pending conclusion of a settlement agreement with Iran, the Commission will also continue to provide technical assistance to the State Department on the international law principles and precedents relevant to the validity of these claims. At present, it is our understanding that approximately 2,500 of the claims remain pending before the Tribunal.

As its third principal activity, the Commission will also continue during 1990 to carry out its statutory responsibility of adjudicating any further claims of United States Armed Forces personnel and civilians, or their survivors, that way be filed for compensation based on inadequate food rations and inhumane treatment received while held as prisoners-of-war or internees during the Vietnam conflict, as mandated by Public Law 91-289. While it might seem unlikely that a basis for any further claims could yet remain, three new claims were filed in 1988 and the recently renewed efforts to account for the MIA's in Southeast Asia will undoubtedly bring additional filings.

In addition, as part of its responsibility with respect to prisoner-of-war claims, the Commission will continue to provide information from its records on World War II, Korean War and Vietnam War era claims to veterans and their families seeking to qualify for benefits under various state and Federal programs, including medical benefits provided by the Veterans Administration.

Finally, during 1990 the Commission will continue to respond to requests from Congressional offices, Federal agencies, and the public for information and advice on completed claims programs, proposals for claims legislation, and issues involving the law of international claims. Experience has demonstrated that an ongoing need exists for such services, and the Commission stands ready to continue to provide them in a cost-effective manner. Indeed, as my predecessors have pointed out in testimony before the Subcommittee in previous years, the operating expenses of the Commission ultimately are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims has directed that a percentage of the funds obtained from foreign governments for payment of the Commission's awards be set aside for deposit in the Treasury as miscellaneous receipts to defray the administrative expenses of conducting the claims programs. Since 1950 the budget obligations of the Commission and its predecessors have amounted to less than \$29 million, while during that period the deductions taken have amounted to over \$32

million.

Mr. Chairman, this concludes my statement in support of the Commission's 1990 Budget Request. I will be happy to answer any questions which you or the other Nembers of the Subcommittee may have.

OUTSTANDING IRANIAN CLAIMS

Mr. Smith. Do you still have outstanding claims before the U.S.-Iran Claims Tribunal of the Hague?
Mr. Glob. The Hague Tribunal, yes, sir.

Mr. SMITH. The 2,300 claims you referred to, that has nothing to do with that?

Mr. GLOD. Yes, sir, it does.

Mr. Smith. It does?

Mr. Glod. There are approximately 2,000 to 2,300 claims still

outstanding.

Mr. Smith. Well, how much progress is being made? That does not seem like progress if 2,800 claims were filed and you still have 2,300 unresolved.

Mr. GLOD. The movement of those claims, sir, depends on the reaching of a multinational accord with Iran, a so-called lump-sum settlement agreement, which to date has not been reached. That would move the matter along quite rapidly.

Mr. Smith. Are those claims largely being held in abeyance,

then?

Mr. GLOD. That is correct, sir.

Mr. Smrth. There is not much progress being made.

Mr. GLop. No, sir. That is correct.

VIETNAM CLAIMS

Mr. Smith. I see. Now, what about the Vietnam conflict claims? What kind of progress is being made there?

Mr. GLOD. The progress on the Vietnam conflict claims is-

Mr. Bradley. May I interject? Do you mean the war claims or the nationalization claims?

Mr. Smith. Both, really.

Mr. GLOD. Mr. Bradley, you may have a comment on that.

Mr. Bradley. Regarding the war claims, there has been movement with General Vessey. In North Vietnam, and making progress with the MIA remains repatriation. That could lead to further filings because there is the belief of a lot of MIA families that their relatives were held in captivity before they died. We have four claims presently pending.

As far as the nationalization claims, it is entirely a matter of negotiation by the State Department with North Vietnam, or Com-

munist Vietnam.

Mr. Smith. It seems like what you are saying is that your workload and unresolved matters are being held in abeyance. What

kind of a workload do you have?

Mr. GLOD. The workload continues based on what I have already presented in my statement, sir, to the effect that technical assistance is on a continuing basis, almost a daily basis to the Department of State as these matters are being negotiated around the world in various errant countries.

Mr. Smith. But settlements are not being made.

Mr. GLod. Yes. Settlements are not being made. That is perhaps the difference.

PART-TIME COMMISSIONERS

Mr. Smith. What do you have, two part-time Commissioners?
Mr. Glod. Yes, we have two part-time Commissioners.
Mr. Smith. Do you need those part-time commissioners if you are

not making settlements?

Mr. Glod. Keeping them as part-time commissioners makes good and practical sense on the theory that they are not on a full-time pay basis. They only are paid for the time actually spent in Washington when we bring them in here for various programs or

briefings.

Mr. Smith. They might be needed?

Mr. Glod. They may be needed very quickly should something proceed to settlement, sir, yes.

Mr. Smith. I see.
Mr. Early?
Mr. Early. No questions.

Mr. Smith. Thank you. Mr. Glod. Thank you, sir.

WEDNESDAY, MARCH 8, 1989.

COMMUNITY RELATIONS SERVICE

WITNESSES

GRACE FLORES-HUGHES, DIRECTOR

BERTRAM LEVINE, ASSOCIATE DIRECTOR FOR PLANNING, BUDGET AND EVALUATION

KENNETH G. LEUTBECKER, DEPUTY ASSOCIATE DIRECTOR FOR IMMIGRATION AND REFUGEE AFFAIRS

ALFREDA D. HAYES, BUDGET OFFICER

GAIL B. PADGETT, GENERAL COUNSEL

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

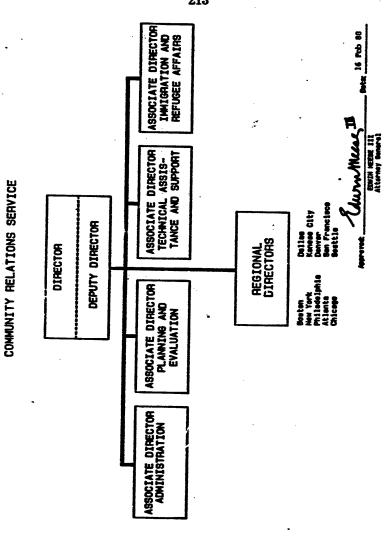
MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. Smith. We will now hear testimony from the Community Relations Service, which requests \$29,609,000 for fiscal year 1990. We will insert in the record at this point the CRS fiscal year 1990 budget. [The justifications follow:]

Department of Justice	Community Relations Service	Estimates for Piscal Year 1990	Table of Contents
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Legal Activities

Salaries and expenses, Comunity Relations Service

Summary Statement

Fiscal Year 1990

The Community Relations Service (CRS) is requesting for 1990, a total of 118 permanent positions, 120 workyears, and \$20,609,000. This request represents a net increase over the 1989 appropriation anticipated of 7 workyears and \$1,751,000. As apportioned to the two budget activities, \$8,000,000 is requested for the Prevention and Conciliation of Community Disputes, and \$21,606,000 for the Reception, Processing and Care of Cubans and Haltians. There are no program increases requested for these activities. The major programs within each activity are summarized below.

Prevention and Concillation of Community Disputes

This activity provides assistance to communities in preventing and resolving conflicts involving racial and ethnic minorities. By bringing disputes to the negotiating table before they are acted out in street violence or litigation, Secretaris the eventuality of more costly federal intervention such as litigation, investigation, prosecution, or the use of marshalls or the military to preserve or restore the peace.

CRS projects its annual caseload in 1990 at about 1988's record high of 1,335 cases. This represents a saturation of capacity to provide service. It follows more than a decade in which managerial efficiencies permitted the workload to be increased about 80 percent while staff authorized for this activity was reduced by approximately 25 percent.

Categories of racial/ethnic community conflict which will require increased attention in 1990 include:

Asian cases, which are becoming more visible and more complex as the number of impigrants increase (46 percent of 600,000 in 1986), and as growing acculturation leads to greater assertiveness in seeking redress and in competing for equity in employment, business, housing and social benefits.

Racially motivated acts of hate violence and malicious harassment, which are increasing. CRS mierted 276 incidents in 1986, 310 in 1987, and 371 in 1988. Anti-minority incidents on college campuses, barely evident three years ago, reached 78 in 1988.

Increased use of force by and against police, which is on the increase as a result of increased violence accompanying the drug war.

Other changes in emphasis envisioned in 1990 include:

Increased assistance to cities in building their conflict prevention capabilities in the face of tension-raising demographic changes, and their ability to work cooperatively with the alnority community in building community defenses against gangs and drugs.

Increased use of formal mediation loading to signed agreements, as the changing nature of recial conflict lends itself more to contractual settlements.

Continuing increase in court-referred mediation cases.

Reception, Processing and Care of Cubans and Haitians

This activity is responsible for the reception, processing and care of Cuban and Haitian entrants as authorized by Title V of the Refuger Education Assistance Act of 1980, Public Law 90-422, and by Escutive Order 12341 of January 21, 1982, transferring these functions to the Department of Justice. Through this activity, CRS provides the Cuban and Haitian entrants paroid described the Limmagnesis of Cuban and Haitian entrants paroid described the Limmagnesis of Cuban and Haitian entrants paroid described and Mauralization Services are provided through grants and cooperative agreements with voluntary St. Bliabeth's Hospital. These services are provided through grants and cooperative agreements with voluntary and private agreements and through an intergency agreement with the Public Health Service (PMS).

CRS haitway house and family sponsorship programs ensure that Mariel Cubans who are approved for release by the INS are provided appropriate supervision and services upon their release in order to: (1) protect the public safety; (2) enable the individuals release of confident and services upon their selease in order to: (3) reduce the number of Moriel Cubans approved for release by the INS and BOP in outplacing Mariel Cubans approved for release by the INS. The INS and DOP look to CRS to release by their high detention coats.

Community Relations Service

#2

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [\$27,858,000], of which	not to exceed [\$20,667,000] shall remain available until expended to make	payments in advance for grants, contracts and relabursable agreements and	other expenses necessary under Section 501(c) of the Refugee Education	Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing,	care, maintenance, security, transportation and reception and placement in the	Uniced States of Cuban and Haitian entrants: Proyided, That notwithstanding	section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public	Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect	to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

(Reorganization Plan No. 1 of 1966; Department of Justice Appropriation Act. 1989; additional authorizing legislation to be proposed.)

Explanation of changes:

No substantive changes proposed.

Salaries and expenses, Community Relations Service Crosswalk of 1989 Changes (Dollars in thousands)

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Congressional Appropriation Actions. The Congressional allowance for 1989 reflects reduced funding to the 1988 enacted level.

Legal Activities Salaries and expenses, Community Relations Service

Summary of Requirements (Dollars in thousands)

Adjustments to base:	•			•	ı		•			Porm.	Work-	Amount
Department of Justice Appropriation Act, 1989. Transfers to and from other accounts. 1990 Mandatory increases.	tion Acceounts	989								= : =	: : 2	\$27,858 88 1,663 29,609
	1989 Ant	989 Appropri	1989 Appropriation Anticipated		990 Base	1990 Base	199	1990 Betimate		In	Toase/De	Increase/Decrease
Estimates by budget activity	Porm.	넓	Amount	Pers.	Porm. Pos. WX	Amount	Porm. Pos. MY	걸	Amount	Pera.	È	Amount
1. Prevention and Conciliation of Community Disputes	80	8	\$7,191			88 90 \$8,003 88	=	96	\$8,003	:	:	:
2. Reception, Processing and Care of Cubans and Haitians.		22	30 23 20,667 30 30 21,606 30 30 21,606 118 113 27,858 118 120 29,609 118 120 29,609	1180	20	29,609	30	250	21,606		1	
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Salaries and Expenses, Comunity Relations Service Summary of Resources by Program (Dollars in thousands)

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Reception, Processing and Care of													;	•		•	:	:
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Legal Activities

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Salaries and expenses, Community Relations Service Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

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Prevention	•
Activity:	

of Community Disputes	1989	Appro	1989 Appropriation Anticipated	199	990 Base	•	100	Bati		, a c c c	E/ 95 6	
•	2 : S	닯	Asount	Pere.	닯	Amount	P08:	되	Amount	Por.	ŝ	Amount
Technical Assistance	•	•	\$408	•	•	\$460	•	•	\$160	:	:	:
	9		5,294	5	9	5,861	3	9	5,861	:	:	:
Addition parection and control	2 4	2 4	1,155	2,	2	1,304	2,	2,	707	:	:	:
	F	F	T.	F	*		F	F	100	1 :	1:	1:
his budget activity includes resources for one of the two primary missions of the Community Relations Service. Funds requested for this activity are used to provide assistance in the form of service to communities in resolving disputes issuencements and difficulties arising from discriminatory practices based on race, color or national origin which imp he rights of citizens and threaten to disrupt peaceful relations.	vide a	Series Constitution of the	two prima ance in th tory pract	ry missie form	sed se	iry missions of the Community Relations to form of service to communities in resides based on race, color or national as	commity communication		tions Ser In resolv	ing.	Church Ch	

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Technical Assistance	•	•	*40	•	•	\$460	•	•		:	:	.:

Long-Range Goal: To enhance the delivery of expert conflict resolution services to state and local officials and community leaders.

Major Objectives:

To assist administration of justice agencies and their field operations to overcome problems that cause conflict and confrontation, and to implement policies, procedures and programs that reduce friction with the local community.

150

To help school systems to reduce intergroup conflict manifest in classroom violence, youth gangs, disproportionate discipline and performance and community confrontations, and to reduce the impact of those problems on educational achievement.

provide the field conciliation staff with technical resources and expertise to improve the effective achievement casework objectives. ۶,

To maintain a headquarters resource center of technical periodicals, articles and materials pertaining to issues affecting the work of the Community Relations Service.

Base Program Description: The Community Relations Service's conciliators and mediators in the regional offices are trained and experienced in the skills of community conflict management. Often their role is that of a catalyst in highly sensitive and enotional situations, enabling resources within the community to combine in a new pattern in active to resolve a specific problem. Frequently, however, local resources need boldering from the outside. Such assistance is provided by and through the Office of Technical Assistance and Support (OTAS). This program's function is therefore an integral part of the conciliation and mediation process. It improves program performance by providing field staff with essential background and technical information to more efficiently and effectively resolve disputes.

Various categories of cases are given support by OTAS through staff program specialists whose role is to: 1) provide expert assistance on-site; 2) identify and arrange for the services of other experts as needed; 3) update the back-ground and skills of field staff through training and the provision of materials; 4) coordinate the inter-regional tennsfer of experience and technology; 5) identify and distribute models of programs used successfully in other respond to new types of problems.

Accomplishments and Norkload: Accomplishments of the Technical Assistance program are presented in the following

1989 1990	009 009	2,600 . 2,600	36
1988	880	2,560	8-
1907	709	2,567	% ~
Ites	Case consultations	Technical publications produced	Statut de modele de Camparide.

Explanation

3

In 1988, OTAS provided 2.560 items of technical materials or sorvice packages to CRS staff in education, the administration of justice, and other agency program areas. It also conducted 550 consultations with regional staff overlaid cases. A major area of CRS involvement continued to be conflicted atiang from allegations of police use of providing police departments and training academies in coordinating material resources that address the issue, and providing police departments and training academies with strategies and program models for dealing with excessive force. The Office has focused on stimulating and disseminating information about innovative and cooperative efforts between police departments to the issues of civil liability.

	1989 A	Anticipat	pristion	1990	Bes		1990	Bati	9 (9	Incre	Q/0586	90.00	
	Pos.	털	Pos. WY Amount	Pos. WY Amount	되	Amount	Pos.	듸	Amount		듸	Pos. WY Amount	
Program Operations	63	9	\$5,294	63	9		63	65	53 65 \$5;861	:	:	:	

to racial or ethnic prejudice, Long Range Goal: Prevention and reduction of community conflict and violence related discrimination and denial of Constitutional rights.

Major Objectives:

To help resolve approximately 1,400 racial/ethnic disputes and conflicts.

To identify, and provide special assistance to, more than 75 vulnerable communities to reduce the risk of racial violence. To help local communities and state agencies to establish and improve their own procedures and mechanisms for preventing and recolving recial/ethnic antagonism and disputes.

Dase Program Description: While disputes based on race, color or national origin occur throughout the United States, their nature and freguency vary from place to place, reflecting demographic, economic and social variables. Sweeping population agovements into and within the country make many communities more vunerable to critical conflict. Areas which a short while ago were totally white, are becoming increasingly mixed; city after city which had been governed by white majorities are accommodating to the growing political power of racial and ethnic minorities; school systems are facing significant changes in racial balance. These changes give rise to anxiety and stress as people and institutions seek to adjust to changing customs, different languages, and competition for jobs and housing. Through careful assessment of more than 2,000 conflict

situations to which the Agency is alorted each year, only the most critical are accepted as cases. Through the techniques of conciliation and mediation, GIS enables the contesting parties to work out their differences through communication and allowed-sake magnitudes than on the streets or a take-theory it basis that perpetuates grievances for future conflict. The megatisted resolution of conflicts before they escale ebriates the later need for more costly methods of settlement, including investigation, prosecution, litigation, etc.

(B) (C) (C) (C)

Conflict areas which will require increased attention from CRS in 1990 include:

Asian cases, which are becoming more visible and more complex. Not only is the number of Asian immigrants increasing (de) to 600,000 in 1906), but their ground familiarity and comfort with American institutions has made them as well as their community assectations note assertive in demanding redress of grievances and in competing for equity in employment, housing, business and social brackies.

Recially setivated acts of bate violence and intigidation are increasing. CRS, which alerted 276 incidents in 1986 and 510 in 1987, legged 571 in 1988.

Anti-minority incidents on callege campuses, barely evident as recently as three years ago, are brought to CRS' attention in increasing numbers. Meightened avareness by college administrators of underlying problems, and the CRS recerd for successful resolution of campus conflicts, increases the demand for CRS services each year.

The increasing vielence accompanying the war on drugs is threstening to reverse a decade of progress in the reduction of fatal confrontations between police and minority communities. Pressure for relaxation of restraints on excessive of face of face is beginning to endanger carefully cultivated patterns of community cooperation so essential in fighting drugs. CRS will be working increasingly with police agencies and community groups to strengthen community-police collaboration against drugs and crime.

CRS expects that conflicts involving military personnel and military bases will rise by 1990. Nose porting, which will result in tens of thousands of naval personnel and their families being reassigned to now locales, vill cause many communities to experience a sudden and highly visible increase in minority residents.

Accordisheents and Verblead: Accomplishments of the Program Operations program are presented in the following table:

Ites	1987	1980	1989 Betinetes	lastes 1990
Alerta received	***	1,905	2,000	2,000
CONCLINE CHES CONSTRUCTOR CONTRACTOR	1,20	1.32	1,300	1,500
Tedistion nessen nicked	25		900	900
Cossessity tession averaises conducted.	25	12.5	2.0	7.5
Community tension apprecisals conducted	=	108	9	2

Explanation

In the past year, CRS opened new avenues of communication and patterns of cooperation between police agencies and growing populations of Asian origin. To speed this work, a memorandum of agreement was worked out with the Office of Refugee Resettlement of Health and Human Scrutces, under which ORR provided funding for a series of regional workshops conducted by CRS at which police executives and Asian community leaders identified problems which lead to estrangement and planned cooperative programs against crime in local meighborhoods. Continuation of the program in 1989 will extend it mationwide. As workshop designs get converted into local implementation efforts, requests for CRS technical assistance will carry into 1990 and beyond.

A drawatic growth in mediation cases in the past two years continued in 1968 when 102 such cases were processed. In 1987 the number was 57. This trend, which will continue in the budget year and beyond, reflects both the changing nature of racial/ethnic controversy and a revised casework emphasis by CRS. Minority groups with increasing frequency are defining issues in terms of deep-rooted problems of equity which require long-range contractual solutions rather than temporary accommodation. Responding to that change, CRS is devoting more of its energies to helping the parties to recognize the need for and the possibilities of achieving fundamental and durable solutions to basic problems.

	1989 A	pprop	riation	199	990 Bas		1990	13	Ba to	Incr	Q/0884	9CT0880	
	Pos.	텖	Pos. WY Amount Pos. WY Amount	Pos.	듸	Amount	Pos.	듸	Pos. WY Amount		嶌	Pos. WY Amount	
Executive Direction and Control	13	13	\$1,155	13	13	\$1,304	13	13	13 13 \$1,304	:	:	:	

Long-Range Goal: To implement those principal areas of activity by which the Director establishes and plans policies and programs; and directs, monitors, controls, and evaluates their execution.

Major Objectives:

To develop and implement agency policy and provide management and supervision that assures maximum agency service delivery. To conduct and coordinate pertinent communications with the public, other Departments, Federal agencies, and the Congress.

to provide legal review and analysis to headquarters and field personnel.

To collect and analyse information on the nature, level, and geographic distribution of community tensions. To coordinate program planning, related at all levels to operational analysis and evaluation.

To evaluate and assure the quality of CRS services.

To monitor casework activity and maintain casework records.

. . To manage and implement the agency's Automated Data Processing and Office Automation program.

To the same of the

Dase Program Description: This decision unit is responsible for establishing pelicy for planning, and budgeting pregrams, and for directing, monitoring, controlling, and evaluating program execution. The functions of executive direction and control are performed directly within the Office of the Director and the Office of Planning, Budget and Evaluation.

Efficient utilization of agency personnel and funds is made possible through the Operational Playaing System, a cyclical process involving the planning of programs in response to guidance provided; the reporting, magificating and evaluation of program and policy issues; and the provision of quality appleance and review.

Accomplishments and Workload: Accomplishments of the Executive Direction and Centrol pregres and presented in the following table:

			Eat	40100
Item	1967	1900	1919	1919
Office plans reviewed and approved	=	11	71	=
Reports on statistical evaluation and analysis of operations	-	•	•	•
Responses to Public/Congressional inquifita	\$0 \$4	88 88	88 88	22
Responses to requests for legs: assistance from regions! Offices Proposed Legislation Studied	6 50	72 0 5	72 6 5	720 5
Judicial and Legislative items for review	750	750	750	750

Performance measures are derived from records of actual service performed.

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	1989 Appropriation	DDTOD	riation										
	Ą	ticip	ated	1990 Base	D Bas		1990	Est i	nate	Incr	Q/988a	Scresse	
	Pera.			Perm.			Perm.			Pera.			
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Idministrative Services 6 6	•	•	\$334	•	•	\$378 6	•	•	\$378	:	:	:	
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<u>Long-Range Goal:</u> To provide administrative support on personnel, procurement and all other administrative needs of the Community Relations Service.

Major Objectives:

To provide timely advisory services to all management levels on technical matters rulated to administrative services. To provide timely fiscal control and effective management over resources flowing to or from the Service. To provide for the timely processing of all administrative related requests for space, security, procurement, travel and financial relabursement.

Rase Program Description: Administrative Services are currently provided primarily through a limison process with the Justice Management Division (JMD). The program provides direct input of vouchers, personnel requests, requests for goods and services, obligating documents, inventory contrat, etc.; to the JMD accountability systems through a centralized administrative office located in the CRS headquarters. This process includes the direct monitoring of grants associated with the Service's Cuban and Haitian Entrant Program.

Accomplishments and Workload: Accomplishments of the Administrative Services program are presented in the following table:

timates 1990	4,000 4,000	200
1989 1989	234 650 4,000	2
1988	228 632 4,500	
1987	225 636 4,100	2
	Personnel actions processed	Special Reports Prepared

Most major objectives contained within this program are ongoing in nature, and are not completed except for planning stages of new systems.

	19161 V	200	1989 Appropriation Anticipated	199	9	1990 Base	1990	18	note	Incr	1/050 d	Cre 850	
	100	듸	Pos. WY Amount	2	ĭ	Pos. WY Amount	P0 5		Pos. WY Amount Pos. WY Amoun			Pos. WY Amount	
Activity: Reception, Processing and 30 23 \$20,667 30 30 \$21,606 30 \$21,606	30	23	\$20,667	30	20	\$21,606	30	20	\$21,606	:	:	:	
Long-Range Goal: To administer the orderly placement and resettlement of Cuban and Haitian entrants in such a manner as to avoid community conflicts, maximize self-sufficiency, and minimize the impact on public assistance and public safety.	rly pla	lency	ot and res	attlement	10 to 10 to	Cuben and	Haitie blic es	n end sista	rents in	such oublic	sefet)	 8	

To relieve the burden on federal detention facilities caused by the return of Mariel Cubans to federal custody from state and local detention facilities. To accomplish this, CRS intends to resettle 900 of the Mariel Cubans approved for release by the INS through the CRS halfway house and family sponsorship programs. Major Objectives:

To provide appropriate resettlement services to about 125 Cuban and Haitian entrants, including unaccompanied minors, who are paroled by the INS from the INS/Krome Service Processing Center for humanitarian reasons. CRS accomplishes this through grants to voluntary agencies for shelter care facilities and child welfare, placement, and resettlement services.

To provide secondary resettlement assistance, through grants to voluntary agencies, to about 75 Cuban and Haitian entrants living in South Florida whose initial resettlements did not lead to their achievement of economic self-sufficiency. This assistance reduces the impact of this population on state and local social services.

To provide cost-affective physical and mental health care services to the Cuban and Haitian entrants in federal custody at St. Blisabeth's Hospital and the INS/Krome Service Processing Center. CRS accomplishes this through an interagency agreement with the U.S. Public Health Service (PHS).

To reduce the impact on state and local physical and mental health care services by providing short-term follow-up care about 25 Guban entrants who have completed psychiatric treatment programs provided by PHS and who are ready to make the transition to independent living.

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Accomplishments and Morkload: Accomplishments of the Reception, Processing and Care activity are presented in the Following tables:

No.

	14	
Estimates 1990	1,000 1,000	756 150 150 500 500 500 500 500 500 500 500
1989 1989	1,000 1,400 2,400 2,800 2,800 9,000	823 23 23 23 23 23 23 23 23 23 23 23 23 2
1988	2 2 2 3 3 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5	126 117 128 19
1907	11.02.02.02.02.02.02.02.02.02.02.02.02.02.	18 201 16 0 139 47
Item	Mariel Cubans/Atlanta, beginning of year. Mariel Cubans/Atlanta, beginning of year. Mariel Cubans-Oakdale FDC, beginning of year. Mariel Cubans-BDP featilities, beginning of year. Mariel Cubans-EDP featilities, beginning of year. Mariel Cubans-Contracted State and Local Detention Facilities, beginning of year. Entrants in long-term health and mental care. Cubans/Haitians-INS/Krome at beginning of year. Mariel Cubans Approved for Release by the INS.	Mariel Cubans Outplaced from IMS/80P Detention Facilities: Through CRS Hailway Whouse Program

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In 1989 and 1990, the INS estissies that about 900 and 1,000, respectively, will be approved for release from smong those	ter!	these individuals despite on the availability of an appropriate helitar house program or family sponsors.
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CRS took aggressive steps in 1988 to increase its resettement capacity to accommodate all of the 3,000 Mariel Cubans expected to be approved for release. CRS achieved this increase by: (1) funding three new halfway house programs and 900 additional family sponsorships through its supplemental appropriation; (2) increasing the number of clients served at the halfway bouse each period by about 10; and (3) further reducing the residential phase of some of the halfway house programs from 4 to 3 months.

The reduction in the number of CRS outplacements from the INS/Krome SPC, the result of the decreased number of Haitlans paroled by the IMS, has had a negligible impact on CRS resource needs because of the low per capita cost of this type of outplacement service.

CRS secondary resettlement services both defuse the potential for racial and ethnic tensions and reduce the impact of this population on local social service resources. The number of entrants in South Florida seeking CRS secondary resettlement services has increased. All signs indicate that the need will continue to increase; housing and employent opportunities remain extremely limited, and the dense concentration of entrants in the area continues. In fact, as Haitlan entrants adjust their setus through the immigration Reform and Control Act, many more may seek CRS assistance in building a permanent and better life in the United States.

Since the number of beds in the PMS community-based mental health treatment programs has been reduced in 1989 and 1990, CRS has reduced the capacity of its follow-up program for these PMS clients. The reduction in the number for 1988 relates to PMS' inability to locate clients due to the 1987 disturbances at Oakdale and Atlanta.

1990		000 000 000
1919	,gr	0111 040 040
1986		200 200 200 200
1917		125 225 250 250
Item	PHS Services	Health and mental health care: - Long-term care residents at: - Federal facilities (FMS)

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1100	196	3	1989	2661
- Short-torm Care: Clark visits	8,000 525	6,500 510	000°6	000
PHS/INS Facility (SBH)	1,060	1,000 550	1,000	1,150
• Includes medical hospitalisation at St. Blisabeth's Hospital (SEH). • The Public Health Service (PHS) has limited evaluations to: brief screenings of all returnees; further evaluations as indicated by screening or requested by INS; Nod. repatriation summaries. Beginning in 1987, only mental health screening on returned entrants and evaluations required by INS or CRS were completed. SEH's full capacity was utilised and every addission called for mental health evaluation and further work-up as indicated (an estimated 3 evaluations per admission through 1986 and 5 per admission in 1987-1990).	brief sci brief sci tion summer NS or CRS further we	reanings of ries. Ben rere companink-up as	all returned inning in 19 eted. SBH's ndicated (an	si further evaluations 77, only mental health full capacity was utilized estimated 3 evaluations per
1100	1987	1988	1989	Bat leates 1990
Grant Activities:				
Grant Proposals Processed:	91	•	•	•
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Logal Activities Spinies and expenses, Companity Relations Service Priority Regains

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<u> </u>	Kenking
Executive Direction and Control Program Operations Reception, Precessing and Care of Cubans and Maitians Administrative Services	

Salaries and expenses, Community Relations Service
Detail of Permanent Positions by Category
Piscal Years 1988 - 1990

Category	1988 Authorized	1989 Authorized	1990 Request
Attorneys (905)	HOOGAH W		38 1 89 83 83 83 83 83 83 83 83 83 83 83 83 83
Total	111	118	811
Washington. U.S. Polds.	32 · 3	32 86	32 86
Total	110	118	116

Ainciudes 7 positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Areas (SMSA) in each year.

Salaries and expenses, Community Relations Service Schedule of Motor Vehicles

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Method of Acquisition and Type of Vehicle	ton Year Acque	Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of-	Ac and red	Average	Pi energy	End-of-
Leased: Large sedan Midsise sedan Compact sedan Sterion wagon	1 10 11 5 1			-025-		:::::	-61.		:::::		-525-
Subtotal Leased	17	::	:	12	•••	• • •	F		ŀ	ŀ	F
Total Vehicles	20	:		28	•••	•••	20				1

Legal Activities Salaries and expenses, Community Relations Service

Summary of Change (Dollars in thousands)

Amount \$27,858	=	1,1025	29,609
Work- years 115	:	•	130
Porm.	:		1 =
Department of Justice Appropriation Act, 1989	Adjustment to base: Transfers to and from other accounts	Mandatory increases: Annualization of transferred positions. 1989 Full-year pay increase impact on 1990. Health Benefits. Federal Employees (Coponsation Act (FEAA) - Unemployment Componsation. Federal Telecommunications System (FTS) GPO printing Costs. General pricing lavel adjustment. Full-field invastigations.	Total, uncontrollable increases

Legal Activities

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	Amount		•	3 6 6 6
•	Work-	:	~	•
Salaries and expenses, Community Relations Service Justification of Adjustments to Base (Dollars in thousands)	Transfers to and from other accounts:	A transfer of \$88,000 from funds appropriated to the General Administration appropriation for flancial services, is provided to all users of the Financial Operations Service (FOS) of the Justice Management Bivision. The amount transferred is based on estimated usage and will cover the cost of services performed by the FOS. Beginning in 1900, the FOS functions which include accounting, youcher processing, financial reports, etc. will be transferred to the Working Capital Fund and expenses will be charged back to each user organization.	Mandatory increases: 1. Annualization In March, 1983, the Guban and Haitian Entrant Program was transferred to the Community Relations Service (CRS). The transfer included 30 positions and 23 workyears with the understanding that the workyears would be annualized in the forthcoming year. CRS is again requesting this annualization.	2. 1989 Full-Year pay increase impact on 1990

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4 - '	ABount \$64	•	105	~	1,107
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	Health Benefits	Federal Employees' Compensation Act (FECA) - Unemployment Compensation	Pederal Telecommunications System (FTS)	GPO printing costs	General pricing level adjustment
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Work-	***************************************	7 1,663
	Full-field investigations	Total mandatory increases

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		ervice	Class
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	Legal Activities	ommunity #	by Grade
B Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma	Legal A	Salaries and expenses, Community Relations Service	Sussary of Requirements by Grade and Object Class (Dollars in thousands)
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			•

	1988 Actual	1	1989 Estimate	mate	1990 Request	lest	Increase/Decrease	OCT 6450
Grades and salary ranges	Positions Workyears	Amount	Positions Norkyears	Amount	Positions Workyears	Amount	Positions Workyears	Amount
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ES-6, \$80,700	, -				-		::	
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GS/GR-14 640,046,0546,46	77	,	21		27		:	
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7	F	\$5,188	Į.	\$5,652	Į.	\$5,876	! :	1224
Pay above stated ennue retes	:	4						
TOTAL CONTRACTOR OF THE PROPERTY OF THE PROPER	. 7	-261	:	.265	• ;	26	:	.0.
Savings due to lower pay scales	•	•	•		:	•	•	:
for part of year	•	-27		-65			• • • •	65
Net full-time persenent	116	2111'5	III	275'5	811	05815		925
Other than permanent:								ı
Part-time permanent	~	122	~	127	~	140	:	13
October Dersonner Compensations Overtime	~	90	•	101	•	901		•
Special personal services payments	· :	1			• • • •	:		• • • •
Total, workyears and								
personnel compensation	120	5,331	115	5,550	122	6,099	7	249
Average ES Salary		:::		(\$78.550) (\$47,080) (13.5)		(\$78,550) (\$49,028) (13.6)		

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Loral Actualities

Salaries and expenses, Community Relations Service

Summary of Requirements by Grade and Object Class (Dollars in thousands)

	1988 Actual		1989 Estimate	te	1990 Request	1	Increase/Decrease	ecresse.
Object Class	Workyears	Amount	Positions Workyears	Amount	Post clons Norkyears	Amount	Workyears	Amount
11.1 Full-time permanent	116	\$5,112 122 1	 2 2 3 3 3 3	\$5,322 127 101	877 :	\$5,850 140 109	-:::	\$528 13
Total, workyears and personnel compensation	120	5,331	115	5,550	122	6,099		878
12 Personnel benefits. 13 Benefits for former personnel. 22 Travel and transportation of persons. 23.1 GSA tent. 23.2 Rental payments to others.		6 - 6 - 6 6 - 6 - 6 7 - 6 - 6 7 - 6 - 6 7 - 6 - 6 7 - 6 - 6 7 - 6 - 6 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 -		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		1,000 2000 2000 2000 2000 2000	-	N
25.5 Communications, utilities and miscellascous charges:	•	\$27 31 14,463		\$60 38 15,277	· •	618 39 14,500		500
31 Equipment, 41 Grants, subsidies, and contributions. 42 Insurance Claims and Indemnities		10,719		7,662		5,451		2,2
Total obligations	120	33,790	118	31,869	122	29,609	•	-2,260
Relation of obligations to outlays: Unobligated balance, start-of-year Unobligated balance end-of-year Unolligation balance lapsing		7, 25 26,011 39,021	-	-4,011		909,82		·
Relation of obligations to outlays: Total obligations, start-of-year. Obligated balance, and of-year. Adjutants in expired accounts.		33,790 6,455 -11,470 28,855		31:869 11:470 -6:501 36:83		29.609 6.501 -7.087		,

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Seleries and expenses, Community Relations Service Consulting and Related Services (Dollars in thousands)

	1988 Actual	1989 Estinate	1990 Estimate
Consulting Services	\$24	*10	\$11
Management and Professional Services	:	:	•
Special Studles and Analysis	•••	•••	• • • • • • • • • • • • • • • • • • • •
Total	24		a
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Mr. Smith. The Committee is pleased to welcome the Director of the Comminity Relations Service, Grace Flores-Hughes. Ms. Hughes, since this is your first appearance before the Committee, we will insert your biography at this point in the record.

[The biography of Grace Flores-Hughes follows:]

GRACE FLORES HUGHES, DIRECTOR

Grace Flores Hughes was sworn in on July 11, 1988, as Director of the Community Relations Service by Francis A. Keating, II, Acting Associate Attorney General of the U.S. Department of Justice. She was confirmed by the United States Senate on June 16, 1988 to serve a four-year term appointment.

The Community Relations Service is a U.S. Department of Justice agency that provides assistance to communities and persons to resolve disputes based on races,

color or national origin.

The appointment as Director by President Reagan makes Mrs. Hughes one of the top-ranking Hispanic Americans in the Administration, and the first woman ever to

Mrs. Hughes previously served as Associate Administrator for Minority Small Business and Capital Ownership Development at the U.S. Small Business Administration. From 1985 to 1988, she was special assistant to the Associate Administrator in that office assisting in the formulation and implementation of policies and pro-

Before joining the Small Business Administration, Mrs. Hughes worked in the Office of Public Liaison at the White House. She also was a Special Assistant to the 50th Presidential Inaugural Committee, serving as its liaison to the Hispanic com-

munity.

She began her professional career with the Federal Government in 1972 at the Department of Health, Education and Welfare as a program specialist in the Office of Planning and Evaluation of the Office of the Secretary. From 1977 to 1981, she served as a social science analyst in that Office. She was a major contributor to a number of Federal studies on Hispanics and migrant workers, including "Demographic Characteristics of Urban Based Farmworkers" (1978), "An Evaluation of the Socio-Economic Characteristics of Cuban-Americans" (1980 and "An Evaluability Assessment of Bilingual Education" (1980).

A native of Texas, Mrs. Hughes received a bachelor of arts degree from the University of the District of Columbia in 1977 and, in 1980, she received a master of arts degree in public administration from Harvard University. She has been a visiting faculty member in the political science departments at the University of Nebraska-Omaha and Nebraska Wesleyan University.

Mrs. Hughes has written and presented several professional papers around the country. She is a co-author of the article, "Hispanic Americans," for the New Book of Knowledge 1980.

of Knowledge 1980.

She is active in a number of civic and community endeavors. Mrs. Hughes is married to Lt. General Harley A. Hughes (USAF-Retired) and lives in Alexandria, Vir-

Mr. Smith. Do you have a statement?

OPENING STATEMENT

Ms. Hughes. Yes, sir, I do. Mr. Chairman and members of the subcommittee, I am pleased to have this opportunity to testify in support of the 1990 budget request for the Community Relations

Service (CRS).

For 1990, CRS requests \$29,609,000, 118 permanent positions, and 120 workyears. This represents an increase from our 1989 appropriation of \$1,751,000. The change is due solely to inflationary adjustments. No program increases are requested. The Service's activities, however, are included in the residual freeze category of the President's fiscal year 1990 budget plan. Final decisions concerning programs in this category are to be determined through negotiations between the Administration and Congress. Accordingly, the

1990 budget estimate, which reflects President Reagan's budget request, should be treated as a starting point pending the outcome of

such negotiations.

Events of the past year have presented significant challenges to both of the principal program activities conducted by the agency, the prevention and conciliation of community disputes, and the reception, processing, and care of Cubans and Haitians.

PREVENTION AND CONCILIATION OF COMMUNITY DISPUTES

With respect to the prevention and conciliation of community disputes, it is important to note that according to our caseload, racial conflict has increased in many parts of the Nation in recent years. Indeed, in 1988 CRS processed more cases than in any previ-

ous vear.

The year 1989 will mark the passage of a quarter century since the adoption of the Civil Rights Act of 1964, and the creation of the Community Relations Service. Despite the Nation's great progress since then in overcoming racial and ethnic antagonisms, grave problems remain and new problems have arisen. While we still deal with issues which are the legacy of the past, often they are compounded by the problems born of America's unfolding future.

For example, in the past few years, many areas throughout the country have experienced increased problems as the racial mix of the population continues to change and grow. These problems will not be resolved by the conflict resolution skills of CRS alone. So we also try to develop the conflict resolution capabilities of State and

local entities.

Our data indicate that in the past decade—from 1979 through 1988—there has been an 80 percent growth in the annual number of cases worked on. During the same period, the number of work-years allocated to conflict prevention and conciliation was reduced by about 25 percent. The average workload for conciliators and mediators has risen significantly. In fiscal year 1988, we conducted 1,416 cases compared to 1,265 the previous year.

While we see no fall-off in the overall demand for CRS services, we do see certain areas of our work as requiring increased empha-

sis in 1990.

Hate violence activity appears to be continuing its upward climb. A CRS analysis shows incidents growing from 276 in 1986 to 310 in 1987 and to 345 in 1988.

Racial conflict in higher education, a rising area of concern, in-

volved us in 78 cases in 1988.

Increased population movement into and within the country is giving rise to increased incidents triggered by ethnocentrism. Also, as new Americans become more secure in their status, they pursue their demands for equity more vigorously, thus increasing the number of community conflicts.

Increased fear and violence generated by drugs, and the war on drugs adds to the volatility of police/community relations, and also creates new needs and opportunities for community cooperation

across racial lines.

RECEPTION, PROCESSING AND CARE OF CUBANS AND HAITIANS

With respect to the reception, processing, and care of Cubans and Haitians, CRS continues to face a significant challenge. As a result of incidents at the Federal detention centers at Oakdale and Atlanta, and the subsequent anticipated increase in the number of Mariel Cuban detainees approved for release by the Immigration and Naturalization Service, we have expanded our established halfway house program and initiated a new family sponsorship program. We have been able to accommodate this substantial increase in our client caseload while maintaining the integrity of the program and providing for the public safety.

The accelerated program initiated in 1988 by a supplemental appropriation helped to alleviate a very critical emergency situation. While no increase in funding is being sought for 1990, the need for Mariel Cuban resettlement will continue because the Department of Justice's repatriation and parole review panels will add to the pool of entrants approved for release who are awaiting placement by CRS, and because Mariel Cubans continue to be returned to Federal custody from State and local prisons at a rate of 80 to 100

per month.

That concludes my statement, Mr. Chairman, and I welcome the opportunity to respond to your questions.

[The statement of Ms. Flores-Hughes follows:]

DEPARTMENT OF JUSTICE COMMUNITY RELATIONS SERVICE

STATEMENT OF DIRECTOR GRACE PLONES NUGERS

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE AND STAYE, THE JUDICIARY, AND RELATED AGENCIES

MR. CHAIRNAN AND NEMBERS OF THE SUSCONNITTEE:

I AN PLEASED TO HAVE THIS OPPORTUNITY TO TESTIFY IN SUPPORT OF THE 1990 BUDGET REQUEST FOR THE COMMUNITY RELATIONS SERVICE.

FOR 1990, CRS REQUESTS \$29,609,000, 118 PERMANENT POSITIONS, AND 120 WORKYEARS. THIS REPRESENTS AN INCREASE PROM OUR 1989 APPROPRIATION OF \$1,751,000. THE CHANGE IS DUE SOLELY TO INFLATIONARY ADJUSTMENTS. NO PROGRAM INCREASES ARE REQUESTED. THE SERVICE'S ACTIVITIES, HOWEVER, ARE INCLUDED IN THE RESIDUAL PREEZE CATEGORY OF THE PRESIDENT'S FISCAL YEAR 1990 BUDGET PLAN. FINAL DECISIONS CONCERNING PROGRAMS IN THIS CATEGORY ARE TO BE DETERMINED THROUGH MEGOTIATIONS BETWEEN THE ADMINISTRATION AND CONGRESS. ACCORDINGLY, THE 1990 BUDGET ESTIMATE, WHICH REPLECTS PRESIDENT REAGAN'S BUDGET REQUEST, SHOULD BE TREATED AS A STARTING POINT PENDING THE OUTCOME OF SUCH NEGOTIATIONS.

EVENTS OF THE PAST YEAR HAVE PRESENTED SIGNIFICANT CHALLENGES TO BOTE OF THE PRINCIPAL PROGRAM ACTIVITIES CONDUCTED BY THE AGENCY:
THE PREVENTION AND CONCILIATION OF COMMUNITY DISPUTES, AND THE RECEPTION, PROCESSING AND CARE OF CUBANS AND HAITIANS.
WITH RESPECT TO THE PREVENTION AND CONCILIATION OF COMMUNITY DISPUTES, IT IS IMPORTANT TO NOTE THAT ACCORDING TO OUR CASELOAD RACIAL COMPLICT HAS INCREASED IN HAMY PARTS OF THE NATION IN RECENT YEARS. INDEED, IN 1988 CRS PROCESSED MORE CASES THAN IN ANY PREVIOUS YEAR.

4.

THE YEAR 1989 WILL MARK THE PASSAGE OF A QUARTER CENTURY SINCE THE ADOPTION OF THE CIVIL RIGHTS ACT OF 1964 AND THE CREATION OF THE COMMUNITY RELATIONS SERVICE. DESPITE THE NATION'S GREAT PROGRESS SINCE THEN IN OVERCOMING RACIAL AND ETHNIC ANTAGONISMS, GRAVE PROBLEMS REMAIN AND MEM'PROBLEMS HAVE ARISEN. WHILE WE STILL DEAL WITH ISSUES WHICH ARE THE LEGACY OF THE PAST, OFTEN THEY ARE COMPOUNDED BY THE PROBLEMS BORN OF AMERICA'S UNPOLDING PUTURE.

FOR EXAMPLE, IN THE PAST PEW YEARS MANY AREAS THROUGHOUT THE COUNTRY HAVE EXPERIENCED INCREASED PROBLEMS AS THE RACIAL MIX OF THE POPULATION CONTINUES TO CHANGE AND GROW. THESE PROBLEMS WON'T BE RESOLVED BY THE CONFLICT RESOLUTION SKILLS OF CRS ALONE. SO WE ALSO TRY TO DEVELOP THE CONFLICT RESOLUTION CAPABILITIES OF STATE AND LOCAL ENTITIES.

OUR DATA INDICATE THAT IN THE PAST DECADE -- PROM 1979 THROUGH 1988
-- THERE HAS BEEN AN 80 PERCENT GROWTH IN THE ANNUAL NUMBER OF CASES
WORKED ON. DURING THE SAME PERIOD THE NUMBER OF WORKYEARS ALLOCATED
TO CONPLICT PREVENTION AND CONCILIATION WAS REDUCED BY ABOUT 25
PERCENT. THE AVERAGE WORKLOAD FOR CONCILIATORS AND MEDIATORS HAS
RISEN SIGNIFICANTLY. IN FISCAL YEAR 1988 WE CONDUCTED 1416 CASES
COMPARED TO 1265 THE PREVIOUS YEAR.

WHILE WE SEE NO PALL-OFF IN THE OVERALL DEMAND FOR CRS SERVICES, WE DO SEE CERTAIN AREAS OF OUR WORK AS REQUIRING INCREASED EMPHASIS IN 1990.

- . HATE VIOLENCE ACTIVITY APPEARS TO BE CONTINUING ITS UPWARD CLIMB. A CRS ANALYSIS SHOWS INCIDENTS GROWING FROM 276 IN 1986 TO 310 IN 1987 TO 371 IN 1986.
- . RACIAL COMPLICT IN HIGHER EDUCATION, A RISING AREA OF CONCERN, INVOLVED US IN 78 CASES IN 1988.

7

- INCREASED POPULATION MOVEMENT INTO AND WITHIN THE COUNTRY
 IS GIVING RISE TO INCREASED INCIDENTS TRIGGERED BY
 ETHNO-CENTRISM. ALSO, AS NEW AMERICAMS BECOME MORE SECURE IN
 THEIR STATUS THEY PURSUE THEIR DEHANDS FOR EQUITY MORE
 VIGOROUSLY, THUS INCREASING THE NUMBER OF COMMUNITY CONFLICTS.
- . INCREASED FEAR AND VIOLENCE GENERATED BY DRUGS AND THE WAR ON DRUGS ADDS TO THE VOLATILITY OF POLICE COMMUNITY RELATIONS, AND ALSO CREATES NEW MEEDS AND OPPORTUNITIES FOR COMMUNITY COOPERATION ACROSS RACIAL LINES.

WITH RESPECT TO THE RECEPTION, PROCESSING AND CARE OF CUBANS AND
HAITIANS, CRS CONTINUES TO FACE A SIGNIFICANT CHALLENGE. AS A
RESULT OF INCIDENTS AT PEDERAL DETENTION CENTERS AT OAKDALE AND
ATLANTA AND THE SUBSEQUENT ANTICIPATED INCREASE IN THE NUMBER OF
MARIEL CUBAN DETAINERS APPROVED FOR RELEASE BY THE INHIGRATION AND

NATURALIZATION SERVICE, WE HAVE EXPANDED OUR ESTABLISHED HALFWAY HOUSE PROGRAM AND INITIATED A NEW PAMILY SPONSORSHIP PROGRAM. WE HAVE BEEN ABLE TO ACCOMMODATE THIS SUBSTANTIAL INCREASE IN OUR CLIENT CASELOAD WHILE MAINTAINING THE INTEGRITY OF THE PROGRAM AND PROVIDING FOR THE PUBLIC SAPETY.

THE ACCELERATED PROGRAM INITIATED IN 1988 BY A SUPPLEMENTAL APPROPRIATION HELPED TO ALLEVIATE A VERY CRITICAL EMERGENCY SITUATION. WHILE NO INCREASE IN PUNDING IS BEING SOUGHT FOR 1990, THE NEED FOR MARIEL CUBAN RESETTLEMENT WILL CONTINUE BECAUSE THE DEPARTMENT OF JUSTICE'S REPATRIATION AND PAROLE REVIEW PANELS WILL ADD TO THE POOL OF ENTRANTS APPROVED FOR RELEASE WHO ARE AWAITING PLACEMENT BY CRS, AND BECAUSE MARIEL CUBANS CONTINUE TO BE RETURNED TO FEDERAL CUSTODY FROM STATE AND LOCAL PRISONS AT A RATE OF 80-100 PER MONTH.

THAT CONCLUDES MY STATEMENT, MR. CHAIRMAN. I WELCOME THE OPPORTUNITY TO RESPOND TO QUESTIONS.

PREVENTION AND CONCILIATION OF COMMUNITY DISPUTES

Mr. Smith. In 1990, where do you expect the principal locations of your service to be needed? Are there certain locations where most of your work will be?

Ms. Hughes. In the field?

Mr. Smith. Yes.

Ms. Hughes. Our services will be needed throughout the country; but, are you referring to the Cuban program or the conciliation and mediation program?
Mr. Sмітн. Well, I guess the mediation program first.

Ms. Hughes. They are both very field-oriented, obviously, and the workload is just as heavy in one region as in others. Our work still needs to be pursued throughout the country.

Mr. Smith. Well, I know, but there must be some places where there is more work and more problems you deal with than in

others.

Ms. Hughes. I would say a lot of our work has been coming out of the Northwest Region—Seattle, Portland, and obviously, New York.

Mr. Smith. What causes the Northwest to be an area where you do a lot of work?

TYPES OF CONFLICT

Ms. Hughes. For some reason, we have a lot of gang movement into that region. We have had a lot of our case work relating to gangs moving from California into the Seattle, Washington area

and Portland, Oregon, area.

Mr. Smith. What kind of gangs are they?

Ms. Hughes. Well, they are drug gangs and they are youth gangs, a combination. A lot of them are creating tension in the communities by committing crime. Some of them are in the schools, and they are scaring some of our students, because of the gang concentration around the school areas.

Mr. Smith. What do you do in cases like that?

Ms. Hughes. We have either been contacted, or we initiate services on our own. Concerned community leaders have contacted the Community Relations Service to work with them, the school officials, and the parents to set up training seminars, consultations, and discussions to alleviate some of the fears of the students and

the community.

Mr. Smith. What is the origin of the need for your service in the New York area that you mentioned?

Ms. Hughes. In New York, we have had a number of hate violence situations impacting minorities. You will recall the Howard Beach incident; we still have a lot of those kinds of cases.

Mr. Smith. Is it in the same areas, or is it in areas that are

changing?

Ms. Hughes. It is throughout the New York area. We had that problem with housing in Yonkers, for example, which was independent of the Howard Beach problem.

Mr. Smith. What about Florida, the Miami area?

Ms. Hughes. We had a recent riot in Miami, and our people were there working with Mayor Suarez and the local police. The riot ١

lasted a couple of days, but we kept our people down there throughout the Super Bowl because we had heard about tensions

still developing throughout that weekend.

Mr. Smith. Well, now, what did your people do in that case?

Ms. Hughes. They worked with the mayor and the police. They set up a task force with the local community leaders so they could try and quell the disruption.

Mr. Smith. Well, what did they facilitate by being there? What happened with them being there that would not have happened if

they were not there?

Ms. Hughes. I think the communications between the community leaders and police were facilitated. Many leaders in a lot of the communities, especially Miami, know the CRS staff. They trust them. They can talk to them. Many times they may not trust the police as readily as they would a CRS individual who has long-term relationships working with them in the community.

CENTRAL AMERICAN ALIENS

Mr. Smith. Are you working with these people that are applying for amnesty?

Ms. Hughes. Yes, sir, we are working with Central American

Mr. Smith. Where are these people located primarily?
Ms. Hughes. The illegal Central Americans are coming in through the Brownsville area in south Texas. We have just signed a memorandum of agreement with the Immigration and Naturalization Service to shelter these illegal aliens until their status is resolved. The Red Cross is doing that for the Community Relations Service.

Mr. Smith. Now, you signed an agreement to shelter them? Are you sheltering them?

Ms. Hughes. The Red Cross is. They are our vendor.

Mr. Smith. What is the nature of your agreement?

Ms. Hughes. The nature of our agreement is that we provide the technical assistance to them. We tell them the things that are needed in their shelter to provide basic food and shelter services for the individuals staying at the Red Cross Centers. for the individuals staying at the Red Cross Centers.

AGREEMENT WITH IMMIGRATION AND NATURALIZATION SERVICE

Mr. Smith. Wait a minute. You signed an agreement with INS.

Ms. Hughes. Yes, and they provided the funds for us. Mr. Smith. Oh, they give you the funds.

Ms. Hughes. They give us the funds, and we in turn-

Mr. Smith. Provide those services. Ms. HUGHES. And we in turn-

Mr. Smith. And then you in turn go to the Red Cross. Ms. Hughes. Right.

Mr. Smith. Is that being alleviated or is it continuing?
Ms. Hughes. Well, for a while there was a lull in the numbers of entrants, but the numbers were up to about 800 last night at the Red Cross shelter. They are beginning to pick up again.

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Mr. Smith. Is this just to maintain them?

Ms. Hughes. Until their immigration status is resolved, yes, they stay in the Red Cross shelter.

RED CROSS SHELTER FOR CENTRAL AMERICANS

Mr. Smith. What kind of facilities do you have there?

Ms. HUGHES. The Red Cross shelter is in a building that they obtained from the U.S. Department of Agriculture.

Mr. Smith. Somewhat like a warehouse building, you mean?

Ms. Hughes. No. To me it looks like an old school building. There are about four or five of them all in the same lot.

Mr. Smith. There are separate rooms for groups in each room?

Ms. Hughes. Yes, there are.

Mr. Smith. What about security or police?

Ms. HUGHES. The INS is there without uniforms, and they are not armed. But they are there. If there are any questions regarding their immigration status, the INS is there.

We have been working with the local officials to provide any kind of security we may need. But right now we do not need that.

Everything is coming along very well.

Mr. Smith. What about health facilities?

Ms. Hughes. We have the Public Health Service there providing evaluations, examinations and other medical services to all of the people.

MARIEL CUBANS

Mr. Smith. Now, the Mariel Cubans, is that load being reduced? Ms. Hughes. We processed approximately 800 this year, about the same as we did last year. This is about the same level processed for the past couple of years.

Mr. Smith. How long is that problem going to last?

Ms. Hughes. Well, that is a good question. We still have some of them returning. The Department right now has some panels established to review the cases of the Cubans, and I think they have about 5,000 left. I am not saying those would be the end, but I know they have approximately 5,000 in INS custody and in State and local prisons.

If we keep processing a thousand a year, and they do not keep returning at the current 20 percent rate, we could very well see the

end of it in another four or five years.

Mr. Smith. They are returning at a 20 percent rate?

Ms. Hughes. Yes, 20 percent per month.

Mr. Smith. And when they return, what does that mean about

your future workload?

Ms. Hughes. It depends on the reason for return. They could wind up in the Bureau of Prison facilities; they could wind up in INS detention; or they could come to us for resettlement through a halfway house program. It depends on the nature of the crime.
Mr. Smith. Mr. Early?

Mr. EARLY. No questions.

Mr. Smith. Thank you very much.

[The following questions were submitted to be answered for the record:

OUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Community Relations Service

Cuban/Haitian Care and Processing

QUESTION: Of those still in custody after FY 1990 how many do you believe will be eligible for release at some future date?

ANSWER: Based upon the calculation below, we estimate that 5,061 Mariel Cubans would be eligible for reparole review and possible release as of October 10, 1990. However, the actual number of Mariel Cubans who ultimately will be eligible for release will be affected by several presently unquantifiable variables: the number of detainees reviewed by the Cuban Review Panels annually in FY 1990 and beyond; the rate of release that prevails for those detainees reviewed by the Cuban Reparole Panels on first review FY 1990 and beyond; the rate of release that prevails for those detainees disapproved by the Cuban Reparole Panels on first review, and reconsidered under second mandatory review within six months of such initial disapproval; and the rate of return of Mariel Cubans to detention that prevails during the years beyond FY 1990.

CALCULATIONS

CALCULATIONS	
TOTAL: Mariel Cubans in Immigration and Naturaliza	tion
Service custody as of September 16, 1988	2,566
LESS: Mariel Cubans subject to Departmental Reparole and Repatriation Panel review	(1,475)
SUBTOTAL: Mariel Cubans, who are not subject to Departmental Reparole and Repatriation Panel review, in INS custody as of September 16, 1988	1,091
ADD: Total Mariel Cubans in State and local prisons as of September 16, 1988	2,710
ADD: Mariel Cubans returning to custody during FY 1989 (Assuming a rate of return of 90 per month.)	1,080
SUBTOTAL:	4,881

LESS: Approvals by Cuban Review Panels (Assuming an approval rate of 45 percent of 1,000 eligible Mariel Cubans estimated to be reviewed during FY 1989.) (450)

SUBTOTAL: Total potential of Mariel Cubans eligible for reparole review and possible release as of October 1, 1989

4,431

ADD: Mariel Cubans returning to custody during FY 1990 (Assuming a rate of return of 90 per month.)

1,080

SUBTOTAL:

5,511

LESS: Approvals by Cuban Review Panels (Assuming an approval rate of 45 percent of 1,000 eligible Mariel Cubans estimated to be reviewed during FY 1990.) (450)

TOTAL: Total potential pool of Mariel Cubans eligible for reparole review and possible release as of October 1, 1990

5,061

This analysis assumes that the Cuban Review Panels will review 1,000 cases each year. It also assumes that Mariel Cubans subject to Departmental Reparole and Repatriation Panel review would not reenter the pool of Mariel Cubans eligible for reparole review by the Cuban Review Panel. It further assumes that all 1,475 detainees will be reviewed during FY 1989. However, actual completion of review may occur in FY 1989 or FY 1990 without invalidating the analysis.

QUESTION: Do you believe amounts requested for FY 1990 are sufficient to handle your workload?

ANSWER: The \$21,606,000 requested for the reception, care, and processing of Cubans and Haitians in FY 1990 includes an inflationary component of \$939,000, but provides for no programmatic growth. We have projected level workload for FY 1989 and FY 1990. Therefore, we believe that the amounts requested to conduct the program will be adequate to handle our anticipated workload. We will continue to seek operational efficiencies in order to extract the greatest impact from available resources. Through the balance of FY 1989 we will closely monitor actual service delivery versus projected service delivery. If we detect shifting client requirements during the coming months, we will reprioritize our FY 1990 programmatic activities within constraints of budgeted amounts.

FRIDAY, MARCH 3, 1989.

OFFICE OF JUSTICE PROGRAMS

WITNESSES

RICHARD B. ABELL, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUS-TICE PROGRAMS

ALLEN J. VANDER-STAAY, DIRECTOR, OFFICE OF PLANNING, MANAGE-MENT AND BUDGET, OFFICE OF JUSTICE PROGRAMS

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

OFFICE OF JUSTICE PROGRAMS REQUEST

Mr. Mollohan [presiding]. Continuing with our review of the Department of Justice, we will now hear testimony from the Office of Justice Programs. The formal request for the Office of Justice Programs is \$96,253,000 for fiscal year 1990. We also understand that one of the budget amendments to be proposed by President Bush is \$150,000,000 for State and local assistance grants.

We will insert in the record at this point the Office's fiscal year.

We will insert in the record at this point the Office's fiscal year

1990 budget justification.

[The justification materials follow:]

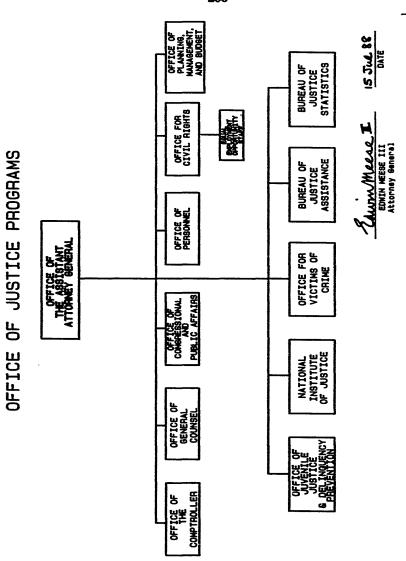
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Descriment, of Justice
Office of Justice Program
Estimates for Figura Year 1990
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Office of Justice Progress

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Justing Assistance

Burnary Statement

Piscal Year 1990

The Office of Justice Progress is requesting for 1990 a total of \$96,253,000, 310 parament positions, and 318 workyears. This request represents a decrease of \$220,722,000, teaming-four positions, and teaming-four workyears from the 1989 appropriation anticipated of \$316,975,000, which provides for 314 positions and 342 workyears.

Budget authority is requested for four missions: Research, Prelustion and Description progress, which conduct research into all aspects of the criminal justice system; Criminal Justice Statistical progress, which provide statistical information dealing with crime and the operation of the criminal justice system at all levels of government the Public Safety Officers' Benefits progress that provides death benefits to the officers killed in the line of daty, and the Missing children progress to combat the criminal and second exploitation of children.

Research, Evaluation and Description Programs

The National Institute of Justice (NIJ) is the principal appracy of research and devalopment on orise and the orisinal justice system in the United States. Its markes includes broad responsibility for research sized at Laprovito circle prevention at the State and Commission and States. Its market includes broad responsibility for excessional sevals of government, in addition to the Pederal Leval. NIZ contacts: 1) a development program directed at discovering the causes and contact of orise and institutional program so policies for use by orisinal justices aparties; a forewals and criminal justice additional program for an extraction across and criminal justice bedrainday program to all law enforcement in solving orise; 4) the verif's largest institute incompletical information service for use by program to expectify orise; and researchers; and 3) a multi-characteristic to operate the contact of a subject original justice of ficials and the academic organization as possible. The National Institute is requesting at 2 million increase for a less-than-lethal vespon devalopment initiative. The total secure requesting for 1990 is \$44,991,000.

Criminal Justice Statistical Promuse

The Burwan of Justice Statistics (BJS) is responsible for all of the major national statistical series and other sources of data concenting orize and orizinal justice with the sole sconption of the FRI's Uniform Crise Reports. The mission of the Burwan is twofold to provide senior officials of the Justice white House, the White House, the Original the Statistics of the Justice programs of the property of the Property Property of the Property

increase reporting of some crimes to survey interviewers by as much as 25%. The second initiative represents expansion of the BNS Paderal Deta Base at a cost of \$335,000. This system is unprecedented because it links data from a variety of offices and bureaus within the Department of Judicia in order to trace of ferminate through the Pederal system. The third initiatively, at \$60,000, provides funding to conduct the quinquented lowers of Judicia and Survey of Judicia Tractes. This survey, the fourth in a series, represents the only national lawel data on the limited and Schillide. It permits examination of charges of offenses and series, revides information on fail populations and expectises for Pederal, State, and local decisionshare and for the public.

State and Local Assistance

The Pureau of Justice Assistance (BJA) administrars this program that was established by the Justice Assistance Act to provide financial and technical assistance programs are about some and localities to improve operations of criminal justice systems. Both a block grant program and a discretionary actions the program were established by the Act, however, block grant Anda have the been provided since 1987 and most of the discretionary fands appropriated in 1988 and 1999 were established by Congress for specific projects. No funds are requested for State and Local Assistance 1990. With passage of the Anti-Drug Abuse Act of 1988, the purposes of this program are now encompassed within the Anti-Drug Abuse program.

Paeryency Assistance

This program offers a Pederal response to situations of an emergency nature that exceed the capacity of local law enforcement resources. The legislation authorizes the provision of Annia, equipment, training, intelligence information, and personant to a state in the event of a law enforcement, emergency. No fards are requested for this program in 1990. Since the program was started in 1995, only a few applications have been received and just one great has been emerked. Unused fants from previous years are expected to remain evailable.

Diventle Jurilos Programs

This program provides funds to States and localities for juvenile justice and delinquency projects in the areas of education, training, treatment, and mubbilitation. The super of the program is to attain delintifutionalization of states offenders and the States and local levels. Since 1975 over one billion dollars has been made swallable for the various programs authorized by the Juvenile Justice and Dalinquency Prevention Act. Due to the fiscal crisis this Netton is facing, there are insafficient resources evaliable to that the Pederal responsibilities of the Department. Nuch has been accomplished in the past is programs which have proven accomplished in the past is programs which have proven accomplished in the Pederal government, it is believed that the States will continue those programs which have proven accomplish, Accordingly, no funds are requested for this program in 1990.

Hissing Children

á This progrem was first authorized and funded by Congress in 1985. Funds are used to combat the criminal and sexual exploitation of children assisting femilies, citizen groups, lew enforcement agencies and government institutions in a national effort to ensure the safety and protection of children. The request of \$4,200,000 will continue the progress at the same level as 1989.

Ablic Safety Officers' Benefits Program

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The Rabic Safety Officers' Benefits Program provides for payment of a death benefit to the aligible survivors of Federal, State and local public safety officers wood each was the result of a transactio indury saratined in the line of daty. Rabic safety officers covered by the program include but are not limited to police, corrections, protetion, parole and judicial officers and filaritydram. Assimants in the Arti-bruy Abuse Act of 1988 aliainsted the requirement that surviving parents be dependent on a public safety officer to be aligible for the benefit tram \$50,000 in 1988 to \$10,1890. In 1989 to an each year theresther the benefit will be spain the adjuncted by the parcentage increase in the Cormann Price Index. The request of \$51,000,000 for 1990 is an increase of \$1,000,000 over the 1999 fanding level. This level is expected to be sufficient to pay all eligible claims at the higher rate in 1990.

fariel opens

3 5 since loss Congress has serually appropriated about \$5,000,000 to relaburae States for part of the costs of incarcerating Warial Others who he provided by the Federal government and have also committed State offermse. The \$5,000,000 that was appropriated in 1989 has been proposed for rescission in order to find high priority supplemental requirements. We have are requested to the Marial Others propries 1990 since the program is not of sufficient priority to commend a share of the limited funds that are evallable.

Regional Information Sharing System

This activity provides funds to maintain aix regionally based information sharing centers throughout the United States that service primarily State, local and to a least entering the efformation of services. The progress aids participating spenies in addressing major, malti-luindictional crimes. Punds also support a consertian of approximately 80 agencies in temity States that focuses primarily on crimes related to energy intakties. No funds are requested for this progres in 1990.

Arti-Drug Abuse Progress

This program was first authorized by the Anti-Thrug Abuse Act of 1988 to assist State and local governments in their drug control and enforcement efforts. Assistants to this program that ware enacted in the Anti-Chrug Abuse Act of 1988 have incorporated efforts to improve functioning of the criminal justice system, with emphasis on violent crime. Those activities were previously provided under the State and Local Assistance program. Since most State growingers are not in a deficit budget situation, it is balieved the States are in a better financial contition to pay for needed State and local criminal justice efforts. Therefore, no funds are requested for the Anti-Chrug Abuse program in 1990.

Management and Administration

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This activity provides for the essentive direction and control of the National Institute of Justice, the Bureau of Justice Statistics, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Office of Crise, and the Office of Justice Assistance, as well as epoley coordination and the full range of management responsibilities. The request of \$19,913,000, Ju positions, and 13 workyears provides a net decrease of tearly-four positions, teerly-four extysears and \$5,05,000 below the 1990 base level. Included in the request is an increase of one position and \$37,000 for the Netional Institute of Justice to conduct major developmental work for the

Less-thar-Lathal Meapors (LLM) program. An increase of one position and 867,000 is requested to allow the Bursen of Justice Statisfice to support the separable Pederal Independe Data Base. This position will involve managing the heavy volume of requests for information and support the separable does and substance of nine and \$1,590,000 is requested for the integrated deta. A decrease of nine positions and \$1,500,000 is requested for the integrated deta. A decrease of nine and \$1,500,000 is requested the first year phase-out for Justice and \$2,631,000 is also included for GUIDP for All the Articles and selection of \$2,431,000 is included for CUIDP for Articles and Selection of \$2,431,000 is programs. A nother decrease of tempositions and \$84,000 represents A-76 reductions and Regional Information Sharing System programs. Another decrease of tempositions and \$84,000 represents A-76 reductions for EUR.

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of Services

9/fice of Justice Promass Justice Assistance Justice Assistance Justification of Proceed Chanses in Assessiation Invanese

The 1990 budget estimates include proposed charges in the appropriation language listed and explained below. New language is underscored and deleted settinged is underscored and deleted matter is emplosed in brockets.

Justice Assistance

Omiting Crise Control and Safe Streets Act of 1988 and the America Justice and Delimberry Prevention Act of 1974 as seemeds by the Artic DAR Abuse Act of 1989.

For grants, contracts, cooperative agreements, and other assistance authorized by the [Batter Assistance Act of 1984, Amersoy You'land red Heasing Children Assistance Act of 1984, Amersoy You'land red Heasing Children Assistance Act of 1984, Amersoy You'land and Heasing Children Assistance Act of 1984, and the Heasing Children Assistance Act of 1984, and the Heasing Children Assistance Act of 1984, and the American Children Assistance Act of 1984, and the American Children Assistance Act of 1984, and the American Children Assistance Act of 1984, and the American Children Assistance Act of 1984, and the American Children Assistance Act of 1984, and the American Children Assistance Act of 1984 (American Children Assistance Act of 1986 (American
(Department of Dustion Appropriations Act. 1989.)

[for an additional amount for "Owation healerance" for the Doug Control and System Ingrovement Carry program and the Public Suffery (Stiffcare Benefits program as authoritand by Mark Oron Whose Act of 1989", and saltarise and expense for administration of each programs \$90,000,000, to recent next labels event expenses, provides actually any designations programs in contrader titles of this Actual

(Ureaf Surplemental Augmontiations Act of 1989 to Meet the Dire Deutsecy Created by the Crisis of Oros Abbes)

Polaration of Changes

- 1. The flort charge clarifies references to authorizing legislation so that the appropriated ascurt vill include all program and all administrative funds that are provided in the Justice Assistance account. The second charge deletes larguage for the following: State and Local Assistance Discretionary program: Anti-Drug Abuse program: Juvenile Justice program: and the Maxiel Cuban program.
 - The third charge deletes larguage for the supplemental appropriation that is unmomenary in 1990.

	989	1989 President's Potent Bennet	_	Į,	Appropriation Actions on			1	<i>E</i> . <i>i</i>	and a	1	25	1989 Program Supplemental	8 3.	SI PL	1989 Appropriation	_
Activity/Repres	,	Res. My decart.			M dent	i	1 K 400		á	3				140			Į,
 Persecth, Evaluation and Description Progress. 	:	\$21,605		:	\$:	:	:	:	፧	:	:	:	:	:	\$21,000	8
2. Ordainal Justice Statistical Progress	:	30,636		:	8	:	:	:	:	:	:	:	:	:	:		386,81
3. State and Local Assistance	:		:	:	3,497	:	:	:	:	:	÷	:	:	:	:		3,497
4. Energercy Amsterton	:	1,200		:	-1,300	:	:	:	:	:	:	:	:	:	:		:
5. Juvenille Justice Programs	:	:		:	61,800	:	:	:	:	:	:	:	:		:	_	008,18
6. Making children	÷	4,000	:	:	:	:	:	:	:	:	:	:	:	:	:		80,
7. Public Sadety Officers' Benefits Progress	:	10,000		:	10,000	:	:	:	:	:	:	:	006/28		:		22,900
6. Natriel Odbere	:		:	:	9,000	:	:	:	:	:	9,000	:	:	:	:		:
9. Regional Information Sharing System	:		:	:	13,000	:	:	:	:	:	፥	:	:	:	:		3,000
10. Arti-Orug Abuse Program	:	:		:	148,500	:	:	:	:	:	:	:	:	:	:	148,500	8
11. Herspmert, and Adelplateation	X SE	20.5	- 1	29 97	7776	1		1	4	4	***************************************	4		33 343 22.223	X	8	뙲
Total	, 81 X	20,00		~ 3	16 42 241,058	:	:	:	:	:	000' \$:	2,900		* * * * * * * * * * * * * * * * * * *	374 342 316,975	g
CONTREMIGNIA PARTECLE (AND PARTECLE AND PARTECLE AND ASSESSED ASSE	the the	13,497,0 11,716,0 11,716,0 11,716,0 11,716,0 11,716,0 11,716,0	tone to the tone of the tone o	proving y Ass	cred \$3,49,000 for the Beate and Local Assistance program; \$61,800,000 for the Jownile Justice profess for the Beate Bea	A STATE OF THE STA	ateta ate and the Ant limited	Addition of the state of the st	Prior prior	148,50 148,50 Met of Pricel	A Assistance program; \$61,800,000 for the Jovenile Justice program, appears program, and \$18,900,000 for the Arti-Tury Abuse program, generic and Administration. Parting for the Public Selegy Officers of the Arti-Tury Abuse Act of 1989. The Research, Preligion and Crisinal Justice Statistical program for the quilasticm and Crisinal Justice Statistical program for the quilasmental communication and statistical program for the quilasmental communication and all all program for the quilation and program for the quilation of the program for the quilation of the program for the quilation of the program o	Ser and A	r the Juvenile Justice progra or the Anti-Drug Abuse progra for the Rabil Safety Officer The Research, Palisation and a for the quinguenial Census sted funds are evaliable.	Justice g Abuse Bafety Evaluat permial	ograde in a series	•	ន

Exampled Descisation. The proposed rescisation would tensinate Arading for the Nextel Cohers program.

Samplemental Descisation. The applemental request for \$2,900,000 provides additional funding needed for the Rubito Safety Officers' Densities program, in order to make that requirements imposed on the program by the Arti-Cruy Atame Act of 1988.

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Summary of Requirements (Dollars in thousands) Office of Justice Progr Justice Assistance

12,000 1,417 1,417 1,417 1,417 1,100 \$229,075 90,000 119,075 -5,000 316,975 125,700 Detimetes by budget activity

	1988 as Enected	E E	te Ed	5	1988 Actual	Į m	1989 Appropriat	folio	1989 Appropriation Anticipated		1990 Base	986	51	90	1990 Estimate	1	Conse	Increase/Decrease	
Estimates by Promes	Pers.	N X	Anount	Pere.	×	Amount	F. F.	3	Amount	Per s	Ж	Amount	F 2	Ξ	Amount	F 8	3	Amount	
								ł											
Research, Evaluation and Description Programs	:	\$19,144	7,144	:	3	\$19,222	:	:	\$21,000	:	:	\$22,691	:	:	\$24,691	:	:	\$2,000	
Criminal Justice Statistical Progress		× :	19,278			19,363	:		19,986	:	:	21,032	:	:	22,449	:	:	1,417	
State and Local Assistance: Formula grants			.000,	::	::	2,463	::	::	3,497	::	::	3,497	::	::	::	::	::	-3, 497	
Energency Assistance	:		:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
Juvenila Justice Programs: Pormila grants. State technical mesistance. Special michaels.	.:::	¥ # :::	40,765	:::	:::	14,044	:::	:::	44,378 906 6,146	:::	:::	45,750 934 6,362	:::	:::	:::	:::	:::	-45,750 -934 -6,362	
Metional institute of jovenile justice & dalingamory prevention Technical mediatance. Concentration of federal efforts. Subcotal.	::1:	::1:	7,336 1,580 53,800	::1:	::1:	7,483 1,983 84,363	::1:	:::::	10,027	::4:	::::::	110,311	::1:	::1:	::1:	::1:	::1:	-10,311	
Missing Children		:	00,4	:	:	5,032	:	:	4,000	:	:	4,200	:	:	4,200	:	:	:	
Rubilo Safety Officers' Benefits	:	:	9,275	:	:	9,300	:	:	22,900	:	:	24,000	:	÷	25,000	:	÷	1,000	
Mariel Cuberns	:	:	2,000	:	:	9,000	:	:	:	:	:	:	:	:	:	:	:	:	
Crime Control Programm	:	:	:	:	:	7	:	:	:	:	:	:	:	:	:	:	:	:	
Regional Information Sharing System	:	:	12,000	:	:	12,000	:	:	13,000	:	:	13,000	:	:	:	:	:	-13,000	
Anti-brus Atuse Program: Formula grants Discretionary grants Priesn Capacity. Subtotal	::1:	## 18 ## 18	55,600 13,900 69,500	::1:	::4:	85,724 14,196 99,923	::1:		118,800 29,700 148,500	:::::	• 1:11	118,800 29,700 148,500	::1:	:::::	::4:	:: ::	:::::	-118,800 -29,700 -148,500	
Munogramert and Administration: Bacative direction is control, NLD Becative direction is control, BNB Becative direction is control, OU Becative direction is control, OV COUP program export services Subtotal.	252222	24242	3,265 2,872 2,892 2,360 1,421 2,268 22,078	2424848	25868 26868	2,980 2,713 2,713 2,653 2,653 22,213	3 12 24 25 25 25 25 25 25 25 25 25 25 25 25 25	222222	3,225 2,872 3,050 3,050 22,23 22,23	222222	2224233	3,225 2,872 4,163 3,763 982 982 24,980	222222	350000000000000000000000000000000000000	3,262 2,939 1,508 1,246 982 2,276	77 : 97 - 7	77 : 17°	37 -2,654 -2,517 	
Total	329 33	325 229	229,075	82	321 26	267, 194	334 3	342 3	316,975	ž	342 3	325,700	350	318	96,253	7	7	-229,447	

Office of Justice Progress

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Justice Assistance

Justification of Program and Performance

(Dollars in thousands)

Activity: Research, Evaluation and	1989 A	Lobe	1989 Appropriation Anticipated	٦	20 B	ٳ	ř	O Part	1990 Estimeta		Incresse/Decresse	1000
	i	¥			×	Pos. M. Amount	į	¥	Pos. M. Amount		Post. MY. Amount	Amount
Research, Evaluation and Description Programs \$21,000	:	:		:	:	\$22,691	:	:	\$24,691	:	:	\$2,000
LONG-MERRE GOB! Netional Institute of Justice research alse to increase knowledge about the causes of crime and how it can be bettar controlled through more efficient, effective, and equitable policies of the nation's law enforcement and justice administration systems, knowledge and policy options are widely disseminated to Federal, State, and local governments.	equital	alse to	icies of the state, an	mowled nation	e abo	ut the cause v enforcement meants.	at of and	rime a justic	nd how it o e administr	ation e	ofter yatem.	3
Nation Objectives:												

To conduct research and development (RAD) to advance the comulation and synthesis of browledge about the causes and control of crime.

To improve State and local criminal justice policies by providing research and development findings to these jurisdictions.

To use research findings to prevent and reduce crime.

To evaluate the effectiveness of justice programs and to make recommendations for improving their operations at the three levels of government. To develop model programs for improving justice practices and procedures.

To disseminate the results of research, development, evaluation, and technology programs to policymakers and criminal justice agencies who can put them to use.

Bee Program Description: Authorized by the Anti-Drug Abuse Act of 1988 (42 U.S.C. 3721), the National Institute of Justice is the ration's principal criminal justice research and development center. As the major resource for policy-relevant studies regarding crime and criminal justice in the United States, the Institute's programs are designed to improve society's ability to control crime and to assist criminal

justice practitioners and policymakers in selecting the most effective solutions to their crime problems. Institute research products provide policymakers with a range of alternative strategies for improving their crime control efforts.

Page 1

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The Institute's program plan arrually outlines the policy issues to be addressed by Institute research and devalopment activities. This plan results from actuants consultation with State and local governments, related Peteral squoises, criminal justices professional associations, and according in the researchers. The oritical areas currently receiving principly retained containing the apply of and demand for illegal and the private sector in controlling crime; reducing violent crime and sprewhending the current criminal; involving communities and the privates sector in controlling crime; reducing violent crime and sprewhending the cureor criminal; reducing datay and improving the act foctiveness of the adjudication process; assessing the impact of probable on absequent criminal behavior; providing better and successive settings for managing the criminal justice system; and disseminating research results to inform State and local criminal justice policies.

Not of the Institute's research projects are implemented through grants, contracts, and comparative agreements. The Institute has also established an in-close research combility to conflict short term studies on important topics of insendies policy-related transfer. Institute harded project are selected primarily through a competitive solicitation process using pear raview. On all institute projects, a staff project manter works closely with the researcher to seems successful completion of the project and to feed project failurings beak, into the phanning process. The Institute's visiting fellowable program provides an opportunity for researchers as well as a painty of claims limited practice practitionars to undertake a study of their on design at the Institute, thereby providing an occasion for direct and sustained interaction between ecodemic scholars, criminal justice practitionars and institute staff:

Based upon research and evaluation findings, syntheses and program and also devaloped detailing the advantages and limitations of a variety of programmatic options in a given topic area. These products halp practitionare decide which research-based innovations may be appropriate for their jurisdiction. Selected model programs are field thated and evaluated to determine the libalinood of successe if replicated and institutionalized by State and local government species, the private sector, or community organizations. National conferences and training significant implications for the management of their agencies.

As sendeted by law, the Dretitute communicates usable information to the field through publications and operates the Netional Criminal Dustice Reference Service, the principal national and infarmational obseringinums for the exchange of information on original justice leaves.

Accomplishments and Machiced: Workload and productivity information for the National Institute of Justice is presented in the following table:

species.

Item	7861	1988	1989	1990
Program Solicitations Propared. Policy Reports Program and Pablished. Research Proposals Received and Revisemed. In-House Policy Research Projects Planned and Conducted.	29 371 6	2822	16 400 15	38 814 17

	The second secon	-
1988	1989	086T
8 8	110	01 08
•	*	2
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2,250	2,500	2,500
280	290 18,000	295 18,720
100 50 9 8 8 2,250 17,280		110 50 50 14 20 2,500 18,000

* NIJ is not holding workshops in 1988 and 1989 and will be holding fewer conferences.

Pollowing are recent major accomplishments of the Mational Institute of Justices

Auched in part by the Bursan of Justice as besistance, non-particle for the factor of the formal filtred in the Bursan of Justice as a selections, or particle the transfering of the transfer in the Bursan of Justice as a selections, non-particle of the formal in the Bursan of Justice as a selection for the transfer of the Bursan of Justice as a selection of the Bursan of Justice as a selection of the Bursan of Justice as a new participating in DIP. In section of the selection of the selection of the selection of the Selection of the Bursan of Justice as a long of \$44 in recent Introduction to a high of 904 in New York City. These figures are without because they remain that the majority of these besting positive had impacted thair illusing they within 48 hours before arrawle. There are changes over that and location for a long of \$44 in the selection because they remain that the majority of these besting positive had interested their limitage the selection for sensing, in his 1984 in hearther, occalies use increased from 184 to 594 in the seme period while FC use deciding from \$17 to 104. A geographic analysis in the seme period while FC use deciding from \$17 to 104. A geographic analysis in the seme period while for use deciding for the for the formal servant and because the Information. The data inthouse that the bestication of strategies by the IEA and local law enforcement much be informed by local and regional information. The data reflective, for control strategies by the IEA and local law enforcement much be informed by local and regional information. The data reflective, for servated principle in the second positive for the second for the formal second for the seco

The NLT Drugs, Alochol, and Criss Research Program searched over \$1.5 million in new grants. The projects searched includes crack consists abschements crisisis crisis of narrockic addict offenders the role of drug use in predetory and violent criss; seighborhood reporting of drug crises; prediction of rearrest from unjudysis; and modeling drug markets.

MIJ apported through the Netional Criminal Justice Association the development of a model training curticulum for State officials on emset seizure and forfature. MIJ also just published two reports which synthesize over 75 research studies on drugs and orise and drug treatment progress for both general audiences and policymaker audiences.

2000年の大学を表示しています。

METIMEL FRICION ON NEWSCORNER AND CHIMINEL REMOTING Both the Institute and the John D. and Otherine T. Modwithur Foundation are infulfactually fracing this proprise also to undertake a conclinated program of longitudinal control studies and experimental research on the ceases and correlates of violant and revelecte original behavior. In 1986 the Irrationes and the Menships Foundation committed \$600,000 each to the program. Beginning in 1989 and continuing through 1984, the Institute and the Foundation will commit \$61.4 million against to this research program. The design of this process features militake, overlapping age ocherts and its expected to prodoce findings within five years of initial finiting on early childhood and later developmental causes of crime, creat of crimin behavior, and desistance from crime.

REMENTS AND CHRONAL JUSTICE TRESPICATION in a scientific breathbrough, NLJ funded research has produced a new technique permitting the identification of a criminal ampact using smalysis of DNA last by the ampact in hair, blood, or other body fluid at the crime scene. Every person is genee are unique (coupt for (dential winter), in all the seaples can now be method with a saspact to identify his as the seasilant, or to excensive his. The FRI has just started using the technology which is expected to increase describedly the access of police investigations of repea, aurebra, and other violant crimes.

EMENCINE RESERVE OF FOLKCING: The Institute has played a key role in helping to shape police leadership and thinking for the list century. Under the amagines of the Michinal Institute of Nuclea and Revard University's John F. Merredy School of Covernment, 10 police of this Michinal Processed on the Law of the Institute of Amazine and precise of externity leaders have participated in a series of externity debates and smelling scowed on the use and processed on the season and processed on the Institute of Amazine and A

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WEITE CALLAR AND CROMETERS COURT: NIJ is funding a study by Harvard University of the court-imposed KICO trustesship of Temestars local 560 in New Jermay. The study preceded the Department's move to place the estima unique of trustessming and the organization of marky to trustessming among the study of district attorneys and conjugated or insertigation of Asian recharacting and its correction with cognitive KID is confinite KID is confinitely the developmental chanter.

TERRITIES NOT is continuing its developmental chemical engineering work on a less-then-lethal wagon for law enforcement use. This project stand directly described through the stand of the described and in 1966. Also, NOT provided extensive tracers satisfies and cost and project and in 1966. Also, NOT provided extensive tracers satisfies and cost and project and project and a program and it by 300 of the Department of Satisfies and satisficial

VICEDES OF COURSE. In cooperation with the office for Victims (OFC), NIJ is updating the Immune and Describes report on Componenting Victims of China. And and a far of the Componenting on Immune and Proceedings report, Manual and a china should not be a far and the construction of the contract of the

SCHOOL CEDER: Developed as a cooperative research and describtion program with funding support from the U.S. Department of Macetton, the School Memorement and Reduced Persons (SMAT) program as included and indicated in the program as an intituded at 1843. The program has been implemented to make control of School Memorement of Education to parameter and classifications. In 1848 the Intelligent received \$400,000 from the Oction of the Secure Annual School Memorements in the School Memorement of Education to parameter and the School Memorements and School Memorements. The School Memorement of Education of the School Memorement of School Memorements and School Memorement of School Memorements and School Memorement of School Memorements and School Memorement of School Memorements and School Memorement of School Memorements and School Memoreme

METOWAL CENTRAL JUSTICS REFERENCE (NEXTS): NEW Operator NUTS, the largest national and international information center on original justice policy and impares. Over 1,110,000 documents were distributed, by issue and upon request, to preditionars and researches in 1987. WINS operates on a fee-for-eartice basis and uses the net income from sales to offset operating expenses. Projected income in 1988 is \$410,500.

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competitive research programs, directed research projects, and a series totalling over \$19 million. These projects were saunded through Mills competitive research programs research programs research programs respond to the needs of centends to provide various research approx and totalling the war attention by the research community on sealing to the needs of criminal justice operational agencies and set out 13 footset stress where attention by the research community on sealing 1989, we involved over 64 expects from the research community and 19 proclitioners in the research community and 19 proclitioners in

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research and policy journals. These settings commissioned research that resulted in the publication of over 110 settings in research and policy journals. These settings commissioned the results of NIX research directly to thousands of national expects and leaders ! a speedy and efficient merser. Additional private dissemination of NIX-sponsored research was accomplished through conference papers, bodis, needpage reports, and radio and talevision coverage of important research findings.

	. 3			1		
Program Charles			Derra			
	2	C. Assurt	Bee. Mr. Securit Res. W. Amount Res. Mr. Amount	Amount	Bet	Amount
Desearch, Evaluation and Descripture Syggrams	:	. \$22,691	•	24,691	:	\$2,000

An increes of \$2 million is requested for one initiative for the Netional Inveitube of Justice. NII proposes to design, develop, and test an effective lase-therm-lethal wagen (LIM) for use by Issue enforcement officients in the United States. The \$2 million requested in 1900 vill be used to corribor and control of the control of the build-proof wast to corribor and control of the build-proof wast used by police officers. The reason a LIM, Previous research funded by the Institute in the development of the build-proof wast used by police officers may be a reason a LIM, and 1900, \$72 law alternative to benderate a the twould seve the lives of both police officers and the loss of life and harm suffering, the direct and influence costs to consider the species when the loss of both officers are life to society of the police desire acres from the loss of life and harm suffering, the direct and influence costs to the police desire acres from the loss of life and harm suffering, the direct and influence costs to conference and the loss of the loss of the loss of the loss of life and harm which police officers may use deadly force against aspects and other was 800 thousand to \$5.5 million. For the loss of immediate was 800 thousand to \$5.5 million. Enclose and the life and life the alternative would be officers may use deadly force against alternative pursue the LIM research and seek Anding for the complex engineering work. In 1987 the Institute ordered with the Unit seement of the Alternay General's Conference on LIM in 1984, which recommend with the agreement of the Alternay General's Conference on LIM in 1984, which recommend with the agreement of the Mittanay General's Conference on LIM in 1984, which recommend with the adversary of the Alternay General's Conference on LIM in 1984, which recommend with the adversary of the Alternay General's Conference on LIM in 1984, which recommend the states of the Alternay General's Conference on LIM in 1984, which recommend the state of the Alternay General's Conference on LIM

And the Late of the Control of the C

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In 1989, NID will allocate \$500,000 to develop complete testing protocols and to test the effectiveness of one of the compounds. The additional is alliform requested in 1980 vound be used to compounds, they compound the substitution requested in 1980 vound be used to compound, of the compounds of the compounds of the compounds of the compounds of the compounds of the compounds of the compounds of the same that the development of the samethatio delivery extrem. These steps will ensure that the amendation is also been altered by drugs or alcohol. Also, the devalopment process will ensure that the delivery eyeths complies with the original design spoilfortions and operational original. It is all the will be requested to make the system operational, provide standards for mentacture and conduct demonstrations and training for law enforcement persons.

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The development of the enerthatic vill occur in full accordance with medical research protocols since the compound(s) vill ultimately require approved by the Food and Davy Administration. The Institute already has in place the Technology Advisory Program Mational Advisory Council, and will appoint an Operational Policy committee and a Biomedical Policy Schoomstate to monitor the LIM development initiative.

The number of deaths and resulting costs from somed confrontations support the need for a research indilative to dealgn an effective Less-ther-Lettel seapon.

Activity: Criminal Justice Statistical	7 H	1989 Apropriation Anticipated	ineria.	5		1990 Been	4	3	1990 Betimeta	1	Ą	Q	Ä
	C AQ	P id	.1	Ħ	d	Ħ	Pot. Mr. Amount	Á	뵥	Bot. M. Amount	á	뵥	Dat. IN. Amount
Criminal Sumtion Statistical Programs \$19,966 421,003		:	9	ž	:	:	\$21,032	:	:	\$22,449	:	:	\$1,417

ions-Hence deal: To essist policy and decision makers at the Peders), State and local lawsis of government by providing for the collection, smallysis, publication and dissemination of comprehensive and accurate statistical information concerning calms and the operation of this Mation's calminal justice systems.

Make Orleatives

To collect, eralyse, publish and disseminate statistical information on crise and the operation of justice systems to the President, the Compress, the Department, State and local esscutives and officials; the madia and the public.

To maintain and devalop an amalytic program which will address the implications of mational criminal justice statistics for Departmental policy and legislative initiatives.

To recommend settlemal etandards for justice statistics and to ensure the interestate comparability, reliability and validity of justice statistics.

To conduct, support and implement recommendations from evaluations to improve the quality of justice statistics.

THE STATE OF THE S

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data.

The snare compliance with requirements relating to confidentiality and security of data.

The snare compliance with requirements relating to confidentiality and security of data.

The snare compliance which requirements relating from the resident, the Constraint and dependent of the criminal justice system to the President, the Constraint of the Armandal Justice states and the snare and local governments to use data as commercian of their public, and the snale. Additionally, BDS supports the developing organism places statistical series, including the National Crime Durally, Expenditure and Exployement Series and Administrative Statistics, the State and Local Present States and Administrative Statistics, the Present States and Present States and Administrative States and Administrative States and States States and

The National Crime Burvey (NCS), the largest BNS excise, is the Nation's principal source of information or crime viotimization and the viotime of crime, and the third largest enview conducted by the Pederal Covernment. When the Nation interview are conducted with 101,000 persons in four both control of the conducted the conducted for the statement of crime and consequences of criminal viotimization in the united fraction. The survey publication program includes: yearly transfe in viotimization, hosebolds touched by crime, and Special Maparts on topical jeause such as teamse viotime, or isse and the alderly, and the impact of particular or lass, 1.s., raps, robbery, and burglary.

The BTS corrections statistics program provides evatuating information on correctional populations and facilities gathered from Fuderal, State, and cover the major sub-runts of the corrections system—prophilm, salis, palence, and noted . The overall program corrections of the components (1) armal National Productor, palence, partial program and courts and characteristics of persons sentenced to death; and (5) quinquernial surveys of national semples of prison and salismants and consumes of State and local correctional facilities.

Neet criminal justice activities in the Mexican take place at the State and local levels of government. A primary objective and legislative manages of 500 is to support the State in the scorate and timely collection, appropriate, and smallyse of State-level criminal justice data. Information is accomplished primarily through the support of State-Levinal Analyse onless (SAGS) which amalyse and disseminate State and disseminate State and state (SAGS) which amalyse and partial state of State-Level of State S

homomentalisments and Markload: Markload data for the Bureau of Justice Statistice (BJS) is presented in the following table:

In early 1988, ENS officially laurched a statistical series dealing with the management and administration of law enforcement. In July 1997 questionnaires were made to 3,000 public law enforcement agencies. Final tabulations were received in the third quarter of 1988, and a Bulletin describing the more sellent aspects of the survey results will be published in January 1989. Survey results will yield the first truly comparements attained profile of law enforcement agencies in terms of secon and civilian personnel, their selections, the full range of police Anactions, equipment, expenditures, policies, and operations. Another potential use of the data will be for comparison purposes, i.e., an agency can compare itself to agentic with like characteristics.

BES learned a mational survey of felony courts in 1987. One huntred counties were selected at rankom throughout the United States. A report describing sententing patterns for convicted felones in these 100 counties is espected to be completed in Pehruary 1989. This smallytical reports the sentences given in State courts to felons who are convicted of homicide, rape, robbery, agravated essealt, huntlary, larceny, drug trafficieting, and other felony orises.

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Data collection was completed for the Survey of Inventions in Castody (SIC) during the second quarter of 1969. This is the first survey ever that "this profile meticanal seval statistics on individual characteristics of juvenile offereign contained history, description characteristics, and characteristics and alondol use patheans of juveniles housed in long-term, institutional, State operated juvenile correctional facilities nethralism of 2,621 individuals were conducted in 50 Eachlitles excess 26 states. A reject on the results of the survey was released in September 1989.

1990 Betlante Increes/Decrees	DOL. M. SHOUT DOL. M. MOUT DOL. M. MOUT	\$22,449 \$1,417	. A description of the initiatives follows	Quinquernial Nationwide Jail Census and Jevel data on jail immates and facilities. It
Program Changes	Dat. M. decut	Criminal Justice Statistical Programs	An increase in furting of \$1,417,000 is requested for three initiatives for this budget activity. A description of the initiatives follows:	JAIL CHECE AND SIRVEY OF JAIL IMPRIES: An increase of \$606,000 is requested to conduct the 1990 quinquents! Nationalise Jail Census and Survey of Jail Inmetes. The 1990 survey is fourth in the series representing the only national level data on jail immates and facilities. It has been collected at consecutive five year intervals since 1972. This statistical series:

- painite enmination of charges over time in offense composition, patterns of drug and alochol use, and criminal curveys of Jail immites 0
 - permits smalysis of sentences imposed and the overall use of confinement in the Nation;
- provides information such as jail population lawals and copnoity by geographic region, percentage of facilities holding extra inmetes due to erodding alseahers, percentage of jails under court order, staff/immits ratios, and trumds in ermaal expenditures; 0
 - provides vital information which emploe Pederal, state and local decisionmakers to develop effective strategies to combat the critical problem of jail and prison croading; 0
- o provides important information on jell populations and facilities to the Pederal government which houses illegal aliens and Pederal pretrial detainess in local jells; and
- o provides data on a large representative sample of jail immates and facilities to the public.

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and preserve the validity The provision of furthing for this effort vill make it possible to excelle trends, keep the information updated, the series with an uninterrupted five year cycle.

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NETUREL CRUBE SIRVENT RETESTION. An increase of \$476,000 is requested for implementation of the Netional Crime Survey (NCS) redesign. The NCS, in width over 100,000 American in transferred in the Noticial Crimical is undergoing which will only a series and in the Noticial Crimical is undergoing the NCS in which over 100,000 American in the NCS in which the NCS in which the NCS in which the NCS in the NCS

The furthing being requested is required to cover additional costs involved in the retraining of carses Burean interviewers; the devalquent of new senable and survey deconstruction programs (for use by Coresa orders, interviewers of survey deconstruction programs are used to edit the original data from the fabrillations and develop public use tapes. There are additional field costs during the predesting and passing into twee dreat control that costs during the predesting and passing in or mentionally as particularly described the result of the survey of th

With concern for victims semaning an increasingly important place in our national connectonmens, the new enrawy will also provide information concerning the experiences and resctions of victims to thair order of fidings and other officials of the crimical justice system. This speaks of the relation to further moner of crimical including tendent to survey intervipers or increase our broadship of box crimical victimization has an import on the lives of victims. Here or expended questions are designed to halp victims remember or these trays may have designed to halp victims. The speaks are handled to the victims and encurrance that short enrative crimes. Dute of this nature has repeatedly been requested by pulloymakers including Compressional staff, criminal justice professionals, who demonstrates and support groups, and the Attorney General's Family Violence Thair France. One of the recommendations of the Tank Porce urged the development of better measures of featly violence.

Completion of this effort will fulfill a new methons commitment to understanding the extent and consequences of personal victiaizations. The implementation phase of the redesign is the final stage in carrying out the recommendations oxiginally made in 1977 by the Netional Academy of Sciences and published in <u>Burneying Crime</u>. The changes were recommended by the redesign project conducted by a consortium of universities and private research oxpanizations. The finding being requested represents only a relatively small additional cost compared to the total NKS progress and redesign budget.

PRIENT, INTERFERD DATA EMERI: An increase of \$135,000 is requested to move the existing Bureau of Justice Statistics Pederal integrated data base into a second phase in which timely and comprehensive data on the flow of offenders and cases through the Pederal criminal justice system can be obtained. This expension is based on recent deliberations of the Department of Justice Research and Development Board.

During the first phase of the Bureau of Justice Statistics Pederal Statistics program commencing in the early 1980's, data from the Pederal Bureau of Investigation (FBI), the Executive Office for the U.S. Attorneys (BOUSA), the Abministrative Office for U.S. Courts (MOUSC), the

Bureau of Prisons (BCP), and the Parole Board have been collected armually and linked to parmit the tracking of Pederal cases from prosecution through septiming and convections. From these data a requiar series of reports has been issued; the most recent addressed propered and will be insued in early 1965. Although these reports are extremely useful, they currently include of atta from only one investigative agency and are rate issued on a requisite besite, therefore, they do not required to the Department's need for timely, comprehensive series and current data. Recognising the need to establish a centralized system to seeses the relationship between arrest, prosecution and sentencing, the Department's Research and Development Board recommended that the Big Pederal database play a more active role in Department of

100 The objectives of this Rase II affort are: (1) to expend the detaines to include more data on Rederal investigation and arrests (2) to seculation to puralt more real-time englysis and articipatory plannings and (3) to respond more directly to departmental for curvent data to support and justify hudget requests hased on case movement, backlogs, and workload.

Specifically, under the proposed Phase II, funds would be used:

To collect, smalyse and incorporate date from at least three investigative agencies (FRI, IRS) into the existing database. Lishogs of investigative records for the first time will permit BNS to track arrants throughout the system and to estimate prosecution recording associated with charges in arrant rates. Lishogs of IRS data to the database will also present the systematicly to track drug cases system-tide and to more clearly focus on the rate at which persons arrested on drug charges are prosecuted, cornicted and confined to prison;

To collect and analyze data from all participating apencies on a quarterly real-time basis. Quarterly data collected will permit the development of descriptive statistical indicators relating to current activity and the preparation of annual data series relating to the most recent calendar year: ä

To prepare and distribute quarterly statistical releases providing an overview of Pederal case proceeding over the preceding three marker. The quarterly indicator series would emble departmental policymelens to identify long and short term trends and to assess the impact of changes on proceeding policies and/or legislation; ë

To respond to adnoc requests by DOI officials. The expanded database would be used to respond to individual requests submitted to EDS; and ÷

To prepare a government-vide dictionary defining classification applied in linking data provided by the individual apencies. Such a dictionary would, for the first time, permit accurate comparisons of data collected by different organizations within the Pederal justice system.

The above-described goals of Hase II directly correspond to recommendations developed at a meeting involving principals and representatives from the Nations of the Assistant from the FEL, DES, ACHEC, ECHEN, BOS, Parole Commission and Marchaels Service, and a representative from the Offices of the Assistant Attorneys General, Criminal and Civil Divisions and the Associate Attorney General. Participants at the meeting indicated that data could be

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LONG-MANDER CORN: To provide financial and technical essistance to State and local jurisdictions and computations to enable them to escoute programs with a high probability of improving the operations of the criminal justice sprate, with emphasis on violent crims and serious programs, and to provide assistance to public and non-profit agencies for the purpose of conducting education and training programs, providing technical guidance, carrying out national or multi-State projects, and demonstrating now programs.

Major Objectives:

out specific programs which offer a high probability To assist, via formula grants, States and units of local government in carrying improving the functioning of State and local criminal justice systems.

To undertake educational and training programs for criminal justice personnel.

To provide technical assistance to recipients of formula and discretionary grant funds.

To develop and implement national or multi-State programs which address crime prevention, violent crime, serious offendars, narcotic enforcement impact and viotims of crime.

Bee Excgra Description: This program deals with the problems of orise — particularly violent crise — and its effects on the viotis. The Dustice Abstracts Act of 1984 established to grant programs as a riskula justice formula grant program for State and local governance and a discretionary grant program for public and non-profit egencies. A sillion in the bushed antority and 50 million that was make by of Statistical Descriptions of States and Dustice programs on the this total States programs on the States and Statistical Dustice Abstracts and States States States and States and States and States and States and States

The Act exhamicated eighteen purposes for State and local formula grant progress that have a high probability of improving criminal justices former, with emphasis on violent crime and serious offenders. Formula funds are seared for various progress such ser expensive for the commands of the formal of the commands of the formal of the commands of the commands of the formal progress that increase in the illicit commerce of stolen yooks and property, progress proceediton management support systems; "STING" Feedinal Apprehensials Progress (ICAP); and several other progress that enhance police generations, such as the Integrated proceed of a State's formula grant family grant family grant family grant family grant family grant family grant family grant family and be designated for improved enough the states and eaching to practicate and some of the series of the family grant family grant family grant family grant family grant family grant family grant family grant family grant family grant family grant family fami

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The Justice Assistance Act established the discretionary great program to complement the formula great program and to provide for netional priority projects such as the orize prevention companies. Discretionary grants may be searched to both public and non-provide agencies for searched to both public and non-provide agencies for searched for up to 100 percent of total project costs. Institutal and multi-state projects and (3) description programs. Grants may be

With passage of the nexty emerced Arti-Drug Abuse Act of 1968, the purpose of this program are now encompassed in the Arti-Drug Abuse program. Accordising and incident and incident are now encompassed in the Arti-Drug Abuse program. Block and Discretionary grant programs.

Block Grant Programs 19 binot grant faring were made svalishie for finon; year 1988 or 1989. Over 1,200 State and local orizainal justice projects were Africal in 1867. Four program areas were likelished by the States as high priorities, accounting for more than 504 of the Ander Projects were Africal in 1867. Four program areas were likelished by the States as high priorities, accounting for more than 504 of the Anderson Capacity (188), community Class Program and States and Anderson States and Information of the Institution of the Institution of the Institution of the Artyst population, project early states and spropriets input facts will be springed. Flant, for each of the 18 purpose areas, assessment and the Anderson is now being statistic for projects early in the early part of 1887. The Bureau vill. In small beside the Anderson of Dation and Anderson is now admitted for the 1886 search and and to indeed the Anderson of the Institution from the Annexal Institution of Dation and Anderson and Institution of Anderson and Institution of Anderson and Institution of Anderson and Institution of Anderson and Institution of Anderson and Institution of Anderson and Institution of Anderson and Institution and Institut

Discretionary Programs: Demonstration programs, which test and implement new program etantegies and approaches for improving the crisinal justice system, include Pmaily Violence Intervention, Polico/School Drug Use Prevention, Organized Criss/Abrochies Trafficioning Entervention Entervention Entervention Entervention Programs of the Programs of Entervention Entervent

Training and Technical Assistance are provided to block grant and description program recipients to assist with program development, is—
plementation strategies, and transfer of information on new programs. Training and technical assistance are designed to improve the quality of programs and intranses the import on the criminal justice system while reducing programs development and start-up-time. For exemple, under the Adjudication Technical Assistance and Training programs, over 400 individuals, representing 110 separate State and local jurisdictions, received formal training to implement out the lay, fall oppority and carrier criminal programs. Spring and programs using block grant funds. The balance implemented programs using places of \$3 million in State and local revenues. Training was also provided to local law enforcement and prosecutors in the following areas: (1) methods of using asset removal and fortisture in drug cases; of sective new strategies for prosecuting camplex areas for profit cases; and (1) methods for taxquing law enforcement resources on repeat offenders.

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Programs of national scope initiated or continued with discretionary funds in 1987 include Demand Reduction-Druy Prevention Prevention Programs in the "Relayinform Industry". The Demand Reduction Druy Prevention Programs in the "Relayinform Industry". The Demand Reduction Druy Prevention Programs describes the activities of Project DARS, Druy Abuse Resistance Exhaustion. This program uses uniformed police officiers as classarous instructors to present a highly structured 17-part curriculum designed to equip alementary school children with akilis for resisting pest premare to equeries the thickness of all alondon. This unique advantance program represents a long-term solution to a problem that developed over many years. By focusing on a charge in public attitudes, Project DARS attempts to reduce the demand for druys. Three Pates and four localities were selected for the first year of implementation of the program. Approximately 45,000 to 50,000 youth splants to restrict the apparate technical assistance project has trained 455 agencies in 135 States, quiving testimary to its vide appeal.

Which is allien was appropriated and 50 million was made available from Jovenile Justice curryover. Of this emourt, \$2.025 million, of which \$5 million was appropriated and \$5 million was made available from Jovenile Justice curryover. Of this emourt, \$2.025 million was certained by Compose for the oppositer, in the remaining \$5.975 million was not assistance to victime projects, and to phase out in an orderly merrap projects that were projects from the prevention from Composition assistance to victime projects, and to phase out in an orderly merrap projects that were began in 1966 and 1987. In 1989, \$2.3 million was provided for the National Crime Prevention Programs. As a remail of this programs, it is estimated that In million American continues and the anticonament of the projects and in an anticonament of the cort services for the address, and the mass for children, and substitute, and untany runt or subspictor, to mass a sense of security to communities, actorials and the workplace. The Millions of collars of the advertising the prevention (Michael Crime Prevention Force) as an an anticonal force of amport of the composition and promotes have had an impact on reflecting the fittening of anticonal power and an anticonal force of amport of the comparison of the advertising. The Burses of Justice Actual Relations of collars of free advertising. The Burses of Justice Actual Relations of collars of free advertising. The Burses of Justice Actual Relations are alimed in impacting and metanical and impact of the province alimed at impacting or subscription of the advertising of collars of the advertising collars of the advertising information assistance, training and metanical provided subscription prevention programs, and topical vortaining and sentinuis account the country.

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Program Changes:

Activity: Emergency Assistance		Anticipated	t a	.	1990 Base		7	90 Par	inte	Dear	9	
	į	뉙	Ret. M. Amount		뵥	Par. Mr. Amount	į	¥	Ross, Mr. Amount	į	· È	Ros.
Energency Assistance	:	:	:	:	•	:		:	:			1
ADD-BEDS Goals To provide financial and technical apport to essist States in resonation schemes to be secured	7	port T	ometer.	States in		ding aden	unitely +	1				
Mater Objectives							Ì					

To ammist States in providing an adequate response to uncommen law enforcement situations which are, or threeten to become, of serious or epidemic proportions, when State and local resources are insdequate to protect the lives and property of citieses or to enforce the crisinal law.

To provide a repid and coordinated Padernl determination of State eligibility for essistence.

To ensure that once a determination of aligibility is made, such essistance is rendered without dalay.

To seems a coordinated law enforcement response to emergencies and to avoid unmesseary Pedaral involvement in matters primarily of State and local concern, including planning activities and the enforcement of laws associated with scheduled public events.

The second second

the Course Description: Natural classifiers and crims epidemics strike States and localities arbitrarily and without warming, often exceeding the capacity of law enforcement resources to protect life and property, and to enforce the law. Over the past few years, Redenil law enforcement executed been required by any States and incalities, including: Series Courty, New Vort, to provide adequate law enforcement of few years at the Series Army Depot: Allanda, Gaccyla, to provide an adequate response to the Series of Maintain, Gaccyla, to provide an adequate response to the Series of Maintain, the State of Maintain of Maintain of Maintain of Maintain and Maintain and Maintain and Maintain and Maintain of Maintain and Maintain Americal Maintain Maintain Maintain Maintain Maintain Maintain Maintain Maintain Maintain M

It is clear from the authorizing lagislation and its lagislative history that certain situations are visual as expropriate for emergency law enforcement essistents. Bysaid clear is the firm intention to evoid unnocessay Pederal involvement or intervention in setters which are primarily of State and local concern. To this end the Articus Abuse Acc scalinds memberors for planting or other activities value. To consider an essential policy and essistents for a situation requiring the enforcement of laws semoclated with adminish public events. Thus, the high law enforcement costs associated with political conventions and international specting events should be borne by conlittles that except such a situation.

The Act authorises the Attorney General to receive requests from State chief executives for designation of a State or local jurisdiction as a law enforcement emergency furisdiction. Once standard, the application is to be approved or disapprove or disapprove the application, after committed or with approver or disapprove the application, after committed on with approver or disapprove the application, after committed or separate interests approve the application, the Pederal law enforcement committy will proceed to provide appropriate equipment, training, intelligence information, and paracerals.

Signs for application have been admitted for these finds and only one grant has been searched since the progres began in 1985, there is still \$1,148,000 carrently evallable. We expect to have sufficient Ande evallable in 1989 and 1990 to respond to any oligible requests for emergency assistance.

Accompliate and inchingle In 1986, three requests for emergency assistance were received and one quant was searched for \$97,000 to the State of West Virginia for Electrons received an explication for State of West Virginia for Electrons received an explication for State of West Virginia for Electrons received an explication for Energy Assistance farms from Electrons received an explication for Indianated the Assistance of 1987. A review of the explication indicated that the law enforcement activities associated with the description did not meet the "law enforcement engagerop" requirement of the hard an enforcement activities associated with the description did not meet the "law enforcement engagerop" requirement of the indianate assistance has interested to administration application review recommendations the Attorney General and Assistant Attorney General and Assistance evallable in the form of equipment, training, intalligence information, percent or Annies. Further will be made evaluable only when other forms of assistance are insufficient to assist the State.

Activity: Juvenile Justice Programs		Anticipated	rted		1990	3	9	1 A	laste	T T	7	Incress/Decresse	اء
	Ž	벌	Ross. M. Amount	á	×	Ros. Mr. Amount	Á	¥	Poe. M. Amount	Ė	Ĕ	Perm. Ref. Mr. Amount	4
Juvenile Justice Progress	:	:	\$61,800	:	:	\$63,800	:	:	008(89\$:	:	-\$63,80	
LONGINGER COLD. To aid in the prevention, reduction, and treatment of juvenile crime and delinquency and to improve the administration of juvenile justice by providing finestial and technical support to State and local units of government, public and private agencies, organizations and institutions.	tion, er	T to	thent of to State a	juvenile nd local	in the	and deling of government	pancy a	of to	aprove the	adminis	tratt	anies-	
										,			

To facilitate, through provision of technical/filmential resources and national leaderships

a. Secure full compliance, as well as maintain full compliance, with the requirement that status offenders and nanoffenders not be hald in
secure determine and corrections large manual status of the stat

To conduct research regarding juvenile delinquency, including earlous juvenile crime and drug and alcohol abuse, which can be applied to the development of programs for the provention, intervention, and treatment of juvenile crime.

The state of the s

To develop programs based on a synthesis of research and field experience for preventing juvenile dalingamoy, and improving the operations of

To descriptions excisting programs which are determined to be promising/effective in a variety of jurisdictions.

To disseminate information produced by research, development, and description activities through training, technical assistance, and clearinghouse activities

To facilitate the devolopment of compliance monitoring systems which provide reliable data on the status of State compliance with the delinstitutionalization, separation and jail removal requirements.

To provide for autiting State monitoring compliance systems and to oversee required corrective actions.

To make formula grant allocations evaluable to public and private non-provit agencies in States not participating in the JUDSA.

To provide technical earlatance to State and local governments, and other earvice providers, in the development and implementation of programs related to deinstitutionalization, separation, jall removal, juvenile delinguency and other programs to improve the juvenile justice system.

PREVIOUS DESCRIPTION: The Formula Grant Progress represents 70% of the total emount appropriated for Juvenile Justice and Dalinquarry Prevention. This progress provides that so fits the first of the page of the

The National Institute for Juvenile Justice and Dalinguancy Prevention (NIXUMP), within the OXIDP, conducts research and program development activities to increase understanding of the risk factors for delinguancy and the effects of alternative juvenile justice policies. This increation is explained to the development of promising program anchain, through joint initiatives with the Special Emphasis program and because for the Office. Information on juvenile delinguancy, promising programs, and innovative juvenile justice policies and procedures are disseminated through olderinghouse, training, and technical assistance activities.

New program development efforts funded by the Special Emphasis Division address a wide twaps of national juvenile justice issues by developing and teating protocypes and demorstrating secretaring protocypes and demorstrating protocypes development process is disseminated to the failed. Oursettive secretars are side to export comprehensive planning and program development in many areas impacting on high risk youth. The design and implementation of these new efforts are coordinated with NLUTDE and the State Relations and Assistance Division.

The Office of Juwenie Justice and Dailnguarcy Prevention, through the Coordinating Council on Juwenie Justice and Dailnguarcy Prevention, coordinates and concentrates Federal resources on the problems of dailnguarcy and the operations of the juvenile justice system. This includes the development of Pederal youth policy and joint programs to target high risk youth.

Accomplishments and Marklond: The following table represents accomplishments of the Juvenile Justice Programs

1990	:	ន
1969 1969	8	8
1988	15	ផ
1987	23	82
Ita	States and territories participating in program	SCAPES IN THIS COMPLIANCE WITH CONTRIBUTION

			7446	
Ite	7967	1988	1969	1990
es in compliance with separation requirements	35	39##	#	7
es with monitoring systems.	* 0 *	. 67	64	\$
nate justice rotally grants everted.	8		22	:
nile justice special emphasis grants awarded	25	9	8	
cher institute of juvenile justice grants searched	8	22	27	:
Topacy agreements entered into	40	•	7	;

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į... * This number ratious implementation of on-site audits by OUND staff of State monitoring compliance systems. Prior year information was been on salt-supports by the States only.
** Mixteen States are making progress toward achieving compliance. They have not yet reached their designated data for achieving compliance pursuant to 200701.

Since emochaent of the Juvenile Justice and Dalinquency Prevention Act of 1974, the provision of Rederal technical and financial resources has embled participating States to undertake a major of system-vide improvements. The Poramia Grants Program has had a significant impact on the order of incurvoration throughout the United States. Fifty-one of the States participating in the program whose characteristic major of states of sometimes of some state that hapm participating in the program in 1991 was required to descriptions of the program in 1991 was required to descriptions for the articipating in the program in 1991 delinefitutionalization of status offenders and monoffenders has been reduced from 199,596 in 1979 to 9,674 in 1986 sarry the participating States.

		80		٩,	20 Part	imate	4	70000	Decrease.	
3-	į	¥	Amount	į	¥	Par. M. Amount Post. M. Amount Par. M. Amount	Ä	¥	Amount	
uvenile Dustice Programs \$63,800	:	:	63,800	:	:	:	:	:	\$63,800	
CONTRACTOR OF SALE SALE AND TOWN LAW TOWN THE THEORY IN THE CONTRACTOR IN THE CONTRA	-	1	4				•	:	•	

A decrease of \$63,800,000 is requested for 1990. The Juvenile Justice program provides funds to States and localities for juvenile justice and delinquency projects in the areas of education, training, research, prevention, treatment and rehabilitation. Since 1975 over one billion because a made smallable for the various programs, including discretionary and formula gravitated by the JUDN. Considerable progress has been made in achieving the major objectives of the JUDN with the use of Pederal Armis. The figures in the accomplianments section mappy demonstrate that substantial progress has been obtained in achieving the major objectives of the Juvenile Justice Act. Due to the budget constraints this Nation is facing, there are insufficient resources available to meet the Pederal responsibilities of the Department resources to the juvenile justice systems. We balieve States that are now participating in the program will continue to commit that resources to the juvenile justice programs which have proven effective.

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Ingresse/Degresse	POS. W. Amount Pos. W. Amount	
1990 Estimate	Ros. W. Amount	\$4,200
1990 Base	Pos. W. Amount	\$4,200
1989 Appropriation Anticipated	Ros. W. Amount	000′18
Activity: Missing Children Activity: Missing Children		Nissing Children \$4,200 \$4,200 \$4,200 \$4,200

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<u>Igny-Parps Coal:</u> To reduce the incidence of crimes against children, particularly kidnapping and seamal exploitation and to criminal justice, social services and treatment systems which are responsible for dealing with these crimes when they occur.

Major Objectives:

To ensure that there is effective coordination secup all Pederally funded programs related to missing children.

To establish and maintain a national resource center and clearinghouse to:

a. provide to feate and local governments, public and private non-recott spencies, and individuals information regarding free or low cost
legal, restaurant, localing, and transportation services available to benefit missing children and their families; and information on
Pederal progress available to assist missing children and their families;

b. coordinate public and private progress that locals an economism services, and legislation;

c. nationally disseminate informative missing children; progress, services, and legislation;

d. provide technical seatence and training to law enforcement agencies, State and local governments, private non-profit agencies, and
individuals in the prevention, investigation, prosecution and treatment of the missing or exploited child case and in locating and
recovering missing children.

To pariodically cortact national incidence studies to determine the actual number of children reported missing each year, the number of children who are viotims of stranger aboutions; the number of children who are viotims of parental indemposings, and the number of missing children who are recovered each year.

To provide to State and local governments, public and private non-pu-lit spencies, and individuals information to facilitate the lawful use of school records and birth cartificates to identify and locate missing children.

To begin a study to detarmine chatacles to the recovery by lagal custodiars of children who have been removed by noncustodial parent and submit a report examerising the results to the Congress within three years.

To prepare an armual report to the President, Speaker of the House, and President pro tempore of the Sente which includes information contained in Section 404(a)(5) of the Juvenile Justice and Delinquency Prevention Act as assended.

To provide a program to establish and maintain a 24-hour national toll-free talephone line where individuals may report information requirity the location of missing children and request information on remniting such children with their families.

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Rese Program Description: The public and the criminal justice community continus to be concurred about runsways and other missing and exploited children. Numbers of cases of abduction, second shows, second shows, second and marker of children, are being found. Estimates of easing or his number of missing children vary wide. y. We do not know precisely bow many children are abducted and/or secondly exploited, now many an exploited, now many and exploited.

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The 1988 emerchants to the Juvenile Justice and Delinquercy Prevention Act (JUDRA), eliminated the Attorney General's Advisory Board on Missiny Children. The searchments require the Office of Juvenile Justice and Delinquercy Prevention to publish in the Pagestal Registrat for public Assemble and market for mail resource pursuant to section 405 and the criteria become on markit for making such grants and contracts pursuant to section 405 and the criteria December 23, 1986. Comments are due on to before Paketuary 24, 1989.

Accomplishments and Monticed: The following table presents accomplishments of the Missing Children Program.

The state of the s	jos,			Patientes	
Little enforcement and annial secondar annial annial	7		1989	.	0861
Telephone calls requesting information (when)	5,700	3.000	8	,	;
Telephone cells requesting information (State clearly)	100,000	100,000	10,50	3,000	8
Instances of technical assistance related to wheeling	70,000	70,000	20,02	20,001	88
Children's chaes (NCHBC) 1/				99,50	3
Instances of technical assistance related to mission and	2,600	4,000	4.000	•	5
Children's cases (State clearinghament)				000'*	8
Prochames, meruals, and child safety cuides Assertions	3,000	50,000 3/	20.000		ş
published and mailed.				86.68	8
	525,000	971,000 4/	380,000		;
			3	380,000	8
2/ Represents workload artists are managed before Missing and Exploited Children prosent	Exploited Children	Officery .			
phone lines to accept inframentian about contracted clearinghouses	- range of responsit	of lities (molute.	A training		
entry of missing child information that and missing children; assist in the investigation of missing the difference contracts the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of missing children in the investigation of t	dren; assist in the	Twent toot for of at		TO IN-STATE CE	ŧ
assist agencies in recommence that the true Male systems and esta	blish a data system	o collect and dies		opposite t	2
2/ Reporting mechanism for State cleaning dilloren.		The second of		action that can	
States that currently have known than the last include until later part of 1987. Increase remembers manifested	il later part of 1987	. Drzwan merren	serte autimotes		
1/ Major distribution increase in loss and all distribution clearing	shouses.			MONTH TOTAL OF	_
and the state of t	on materials for Pude	ral training progra			
1989 Pressonated and Landson					
Coers					
Benefits Program		1990 Estimate	rtimete	Thromason (Thromason)	
		Perm.		Days	
	Se P	AMOUNT, POS. MY	Amount	3	1
Molic Safety Officers' Banefita Domina					

Amount \$1,000

Amount ... \$24,000 뵥

... \$22,900 Ĕ

Public Safety Officers' Benefits Program.....

\$25,000

LONG-Manne Coal: To provide a death benefit payment to survivors of Federal, State and local public safety officers who have died as a result of personal injury sustained in the line of daty.

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Major Objectives

To pay eligible claims within two weeks of the filling of a fully documented claim.

To issue determinations on insligible claims within four weeks of the filling of the fully documented claim.

To conduct an appeal hearing within 60 days of an appellant's request.

To issue the appeal determination within 30 days of the official close of the appeal hearing.

Base Program Description: This activity addresses death hemefits for the aligible survivors of Federal, State and local public safety officers who dis from injuries preceded in the line of days. P.L. 100-200 (42 U.S.C. 1796) suthorizes prepared of each benefit when a Federal, State of a Local law enforcement officer, fire fighter, prison guard, or judical official dies, in a days status, as the direct and proclamate result of a transactio injury. In 1989 the amount of the death benefit that will be paid to survivors is \$100,890. If a widow and eligible children full ken when the value results are aligible children survives the children full there are no aligible children the value and a survive the decased public safety officer. Each year the securit of the peyment will be edjusted by the armual percentage change in the Creamer Price Index.

Generally, the RBOB program staff receives a death report within one week of the public mafety officer's death, usually from the employing agencies of the initiated by the RBOB staff when the death report is received. Employing agencies generally take from 75-80 days to file a complete claim are juilible claims are paid within two weeks of being filed and documented; inslighbe claims are processed within four weeks of being filed and documented.

When a claim is denime, agreed instructions are provided to the claiment. Appeals are heard within 60 days of the claiment's request and decisions are remared within 30 days of the official close of the appeal hearing. Hearing officer denimis may be appealed to the Director. Once an appeal is heart by the agency and the denimi affirmed, the claiment may appeal directly to the U.S. Claims Outt. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how repidity the court and the claiment's attorney respond to statutory and procedural requirements.

Accomplianments and Mockload: Actual and estimated workload and accomplianments of the Public Safety Officers' Densiits Program are presented in the following table:

983	7860	258 264
20170	1982	258
	1288	
	7867	224
	Its	Claims Initiated.

Pigures include newly initiated claims and appeals as well as active claims and appeals carried over

M. Amount ... \$1,000

*** \$25,000

			Patime	ates
	7867	1988	7967	7880
D	•		•	,
Armen branch of courts	•	•	20	
The state of the s	2		•	01
COURT APPEARS INVESTIGATION	~	7	~	
The street of th	:	•	•	•

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Pigures include neely initiated claims and appeals as well as active claims and appeals carried over from a previous year.

Claim processing objectives have been met in that the average sligible claim was paid within two weeks of completed filling, and the average insligible claim was closed within four weeks of certified documentation.

Policeding is a susmary of public safety officer death claims that were found eligible during the period 1979-1986;

	×
Amount. Paid 811,760,000 811,760,000 811,760,000 813,450,000 810,760,000 810,000,000 81,300,000 85,300,000	Perm.
- M	M. Mount
Total 1918 Pid 256 256 217 217 216 188 226 180 186	Pers.
5	Amount
015 20 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Perra. Form. MY. Amount
8	2.2
Occupations Officers	
Electron 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
Low Enforcement Officers 157 157 158 188 188 186 114 114 119 119	
Fiecal Year. 1990 1990 1981 1982 1985 1985 1985 1986	Program Changes:

President Reagen on November 18, 1986, signed the Anti-Drug Abuse Act of 1988 (P.L. 100-690) essenting the Public Safety Officers's Benefits Act. The semeding the Anti-Drug Abuse Act of 1986 (P.L. 100-690) essenting the interesses was made retroactive to include the major of the an alighble practice bedgended the contribution of a state of the seminary of the an alighble practice. Bedgended the notation of the Anti-Drug Abuse 1, 1989, when a public eaferty officer is not anxiety officer. Effective on June 1, 1989, when a public eaferty officer is not anxiety officer are advantaged to the FBOB benefit without regard to dependency. The aliabation of parent dependency will increase

Public Safety Officers' Benefits Program.......

ROOD exertis by an estimated 24 claims per year. The Act was also emeried to include a cost of living escalator tiled to the Consumer Price lines (CET). This escalator vill, on October 12 of every vert, increase the heartitle by the precentage of increase in the Consumer Price and to Congress made the effective data of the \$100,000 benefit retroactive to June 1, 1985, the first cost of living increase was made for eachs constraing on or after october 1, 1989, and the heartit the test time was increased to \$103,800, benefit cost of living increase was constructed or or other 1, 1989, and the cost of living increase will be made to \$103,800, benefit. It is esticited that this increase will be in the 48 tengs beinging the heartit in facel Year 1990 to approximately \$100,045. The \$25 million requested for 1990 will provide satisficient faces to pay all of the allighing claims and will cover the estimated 1990 CSI adjustment of 4%.

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Incresse/Decress	복	:
Pece.	á	:
1990 Patimete	Ros. M. Darouth	:
90 Part	¥	:
Para 16	R	:
9	Pos. Mr. Amount	
1990 Pese	¥	:
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printion	Ros. M. Amount	:
Anticipated	¥	:
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Activity: Mariel Outens		barje
Activity		Mariel O

Lang-Range Goal: To provide financial assistance to States that have Mariel Ochers incarcerated in State facilities.

Major Objective: To seard grants to reliabure States for expenses incurred for incarcerating Mariel Others.

Rea Program Inscription: Biginning with the 1965 agreepriation act, Congress has requirely provided about \$9,000,000 for the purpose of saking strate to States for their agreement for the incurrention of Marial Others in States facilities following that conviocition of saking consisted after hardy been personal strot the inthose States by the Actornay Constant and States facilities following that conviocition about that is certified by the Actornay Constant. Each State is the applies for Anna is required to Networks in Anna States and States an

Accompissments and Markload: Significant data for this program is presented in the following table:

2982
•
1288 36 2,414 10.0 82.071
2,252 10.2 10.2 \$2,22 \$217
Number of States reinformed Number of Inntes veilfied by 198 Average total payment per innetes Average total payment per innetes Average total payment per innetes

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Month Ref. No. Meant. Out , Ref. No. Meant. d by preceding legislative authority in 1990. L Incress/Decress. Ant Ref. No. Amount. Satt Ref. No. Amount.	Perra. Rat. M. Amount ; Ros. M. Amount ; that were authorized by preceding legislative plate or new budget eathority in 1990. 1990 Estimate	Ref. W. Amount Ref. W. Amount Discontinuo Est. W. Amount Continuo Est. W. Amou	1999 Anticipated Pera Anticipated Res. M. Ascart Control of the Ascart Control of the Ascart 1999 Appropriation Anticipated Res. M. Ascart Res. M. Ascart Res. M. Ascart	Activity: Crime Control Programs Pers. 1990 Res. 1990 Estisate Incress/Decrease Pers. 1990 Estisate Incress/Decrease Pers. 1990 Estisate Incress/Decrease Pers. 1990 Estisate Incress/Decrease Pers. 1990 Estisate Pers. 1990 Est
minal conspiracies and	, target, and remove cris	tice egencies to identify	te and local cariminal just	<u>Long-tense method of strates or to solity of State and local criminal justice egencies to identify, target, and remove criminal complicacies and activities mentally target, and remove criminal complicacies and activities mentally target, and remove criminal complicacies and</u>
minel consolracion and	. target, and remove city	tios acencias to identify	te and local criminal just	Long-Range Goal: To embance the ability of Staff
\$13,000	:	***************************************	\$13,000	Regional Information Sharing System
-\$13.000		\$13,000	\$13,000	Regional Information Sharing System
Post. Mr. Amount	Poe MX. Amount	Ros. Mr. Amount	Ros. Mr. Amount	•
Parts.	Perm.	Pern.	Perm.	
Incresse/Decreese	1990 Detilusts	1990 Been	1989 Appropriation Anticipated	Activity: Regional Information Sharing System
receding legislative by in 1990.	hat were authorized by p re no new budget authori	bligations for programs t have terminated and regul	justments to prior year of gislation. The progress	This activity is used to reflect cutlays and attachments but are not authorized by existing le
			:	Crime Control Programs
Ros. Mr. Amount	Ros. M. Amount	Roe. Mr. Amount		
Perm.	Perm.	Pers.	Petril.	
Increase/Decrease	1990 Patimate	1990 Brass	Anticipated	Activity: Crime Control Programs
			1989 Appropriation	

Major Objectives:

To encourage and facilitate the rapid eachange and wharing of information pertaining to known or emapeded originals or criminal activity secny Pederal, State, and local law enforcement agencies.

To enhance coordination/communication emeng those agencies in addressing multi-jurisdictional crime.

To provide technical and Einencial resources to augment existing multi-jurisdictional enforcement resources (including specialized equipment, training, and investigative expense).

Dest Fourne Description: The RISS Program was initially designed as a pilot program to test the benefits of establishing regionally based information sharing context broughout the builded State to service States and local crisinal justice services. Once setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished, nor setablished natural natural setablished than the setablished of setablished that setablished in the Registra State Police Information Network is Registrated Clus Information Computed Clus Information Computed Clus Information Computed Clus Information and setablished and setablished of setablished setablished and setablished and the setablished in the Rocky Normation Information Network is computed on an information maken setablished and setablished and the setablished

臣 Regional Information Sharing Systems and initial charges have been filed equinat 349 emilities in 31 cense. In edition, as of \$91,850, restitution payments of \$1,747,376, ion Sharing System projects follow. Accomplishments and Markload: The LEVITICIS has defendants in 100 cases; and civil. September 30, 1989, the EVITICIS by the processory of self-september 30, 1989, the EVITICIS of the processory of self-september 30, 1989, the self-september 30, 198

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The INCOVERY Of equipment valued at \$1,991,450. The accomplianments of the six regions. Incommitted searing bysides polyers fortune.	or the six re	giorni unioennie	on smring bysum pro	Partiagnes
Item	7867	1988	1967	
	2,195	2,369		:
Draufefate	72,566	54,389	_	:
Miles	18,882	17,505		:
Arresta	4.667	5,253	5,700	:
	\$111.907.077	8222,351,278	\$128,000,000	:
Principal Selection	\$18,108,903	\$19,122,863	\$18,250,000	:
Civil (Ruco) Selaures	\$4,748,737	\$305,864	\$1,000,000	:
Program Chercum		1990 Page	1990 Patimate	Increase/Decreese.
	Per Per Per Per Per Per Per Per Per Per	Perm. Ros. HV. Amount	PROFIL IV. AMOUNT	Perm. Ros. Mr. Assunts
Regional Information Sharing System	:	***************************************	:	413,000
No furding is requested for this program for 1990. It is a wall known fact that this country is facing a fiscal crisis as a result of the large budget deficit. There are simply not enough dollars evaluable to And every wortheille project. The foremost responsibility of the	oun fact that	this country is y worthenile pro	facing a flacal crisis sject. The foremost re	ageneibility of the

Department of Justice must be to provide for the reads of the Pederal civil and criminal justice system. A secondary responsibility is to assist State and local jurisdictions to improve their criminal justice systems. Since there are insufficient Ands to meet the primary needs of the Department, there are none left for State and local meets. States and localities must need their needs within their on resources.

Activity: Anti-Drug Abuse Progress		100	Anticipated		080	Bee	9	o Part	ate	i i	0	SCHOOL STATE
	á	¥	Amount	á	봌	Ros. M. Amount	Á	¥	Ros. W. Amount.	2	Ä	BORL M. AMOUNT
Arti-Drug Abuse Program	:	:	\$148,500	, :	:	*** \$148,500	:	:	:	:	:	\$148,50

and private non-LONG BRICE CORI: To provide assistance to State and local units of government through the formula grant program and to public profit agencies through the discretionary grant program for the purpose of enhancing drug and violent orims control efforts.

talor Objectives:

To emaist States and units of local government in developing a State-vide strategy for drug and violent crime and in carrying out specific programs to implement their stategy.

To assist States and units of local government with implementation of their strategy through training, technical assistance and subsequent informative site amnitoring.

To develop and implement programs to enhance State and local drug and violent crime control effects, which assist areas of greatest meet.

To develop and implement programs to enhance state and local drug and violent crime, and implement demonstration programs which test new and effective techniques for centrolling drug and violent crime.

The develop and implement demonstration programs which test new and effective techniques for centrolling drug and violent crime.

Make Drogram Description into activity deals with drug control effects and activities also are established or season to be an adversal and the format of the program. And is authorized by the Anti-Drug Anne Act of 1966, provides for establishes to States and Inches and Inches are also assisted or the best and the formation of the nature of the order of the formation of the formation of the formation of the formation of the nature of the formation of the nature of the program and local file from this process. The strategy for drug and local file from this process. The discretionary grants program is interested to the protein of the nature of the protein and mainting and established and an interested and the interest of the protein interested in the 21 and ordered to provide additional and mainting and mainting and program is interested and control to an an effect and programs which demonstrates and provides and programs and established to make the protein of the protein in the 21 and ordered to provide additional analysis and established to provide additional and mainting and and protein and programs and ordered to provide additional and protein in the 21 and ordered to provide additional and provide and protei

Accompilatements and Machicodi This propram, as first established by the Anti-Targ Abuse Act of 1986, provided assistance in enforcing States and Local Carginal Actionary with States to active seases and Local Carginal Actionary and the States to active seases and Local Carginal Actionary and the States to active and administration and control of the 1986 actively process and program administration. By the send of this faces! Just. 3.15 66 slightle applicants had assistance that approximation purpose area. The following processes are stated as a spall outside that applicant and the approximation purpose area. The following processes resilicate administration and the approximation purpose area. The following processes resilicate administration for the Approximation and the Applicant and the Applicant and the Applicant and the Applicant and the Applicant and the Applicant and the Applicant are consistent with data in the 1987 explication; the the Application and the Application of the Application and Application and Applicat

implement the new program. In accordance with the legislative mandate, BTA wrote and distributed to the designated State offices a Program Guidence document to be used in the development of the state-wide strategies. Permit explication hits, giving direction as administrative regularants for the State applications, have able been developed and distributed. The strategies are required as part of the state applications have able to be abled to the state and the

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 Priorities for the Mannetinary Cent Program are based on recommendations solicited from criminal justice practitioners at the Pederal, State and local Levals. The rivogram priorities have reflected a structory designed to sesief and schools State and local day control afforts. The loss discretionary program services are continuated to the program who have a serviced and local day of the services are discretionary program who have a serviced by the end of the factors. Mithough most of the program who day to service and the grants were day in a periodic for the program of the grants were day in a periodic service and periodic services and periodic services. Although most of the program for the periodic services are guidalises to be used for the testing leaded by the end of the factors of the periodic services. The transfer of the periodic services and quidalises to be used for the testing services, however, the attended for the pedialise in the control. The transfer is a service of the periodic services are serviced to a restorable basis. The from a first service the services to the fight with the control. And the service services are the activities to the services are the services and the services and the services. The transfer the control of the Alife Villa, it is necessary to the services of the services

The 1969 Discretionary Grant Program Avmontoment was published in the Federal Register January 9, 1969. Approximately \$10 million in Aurding vill be marched. Namy of these search will be continued on projecte, with the expectance breakfrom as follows: 16.68 Prevention/Education: 26 Apprehension: 5.48 Prosecution: 20.08 Adjudication: 18.48/Corrections: 4.68 Information Systems: 8.88 for Other Programs.

Zvogram, Chargem	81	Base	9	90 Part	anta		Q/sac	CTORER
	P N	Red. W. Amount Rod. W. Amount Rod. W. Amoun	Ź	×	Amount	ź	¥	Amoun
Anti-Drug Abuse Program	:	. \$148,500	:	:	:	:	:	-\$148,50
In Anda are received for this receives for 100. The Described of Burdies must first assime that any sexilable force to used for the reads	*	* artifaction +	hat amy	munilah	de Amde	1	4	and and

No firsh are repeated for this progred for 1900. The department of challes must inter densure that any exclusion through an order of the civil and criminal justice system at the Federal level before providing assistance to State and local justice bytem to the Federal level before providinal justice systems. As a result of the husbyte deficit, this Netton is feeling a financial crisis. There are not sufficient furth switches are the uppercort needs of the Department and also that every progrem that setlisises the needs of State and localities. These jurisdictions must meet their needs by utilising their on resources.

Activity: Management and Administration	1989	9 Appropriate Anticipated	1989 Appropriation Anticipated		1990 Br	1990 Base	8	o Bet	1990 Patimete	Incar	V	Increase/Decreases
	No.	¥	Amount	S E	ž	Amount	į	Š	Amount	į	¥	T T
						-						
	3	2	83,265	3	8	\$3,225	2	S	\$3,262	-1	-	\$37
Executive direction & control, BJB	ន	2	2,872	ន	S	2,872	2	8	2,939	-	-	6
Executive direction & control, OUTP	3	8	2,892	3	3	4.162	7	4	1.500	-16	9	-2.654
control.	8	3	3.050	3	3	1,763	2	2	346	ş	1	2
Control	*	2	Cap	9,	2	8	3 2	?		1	1	1
	S	8	9.271	8	8	976	3	8	2	: :	:	: :
		:)	l	•	l	l		i	l	
334	Ř	7	22,292	ž	2	24,980	ã	318	19,913	7	Ť	2,067
This activity consists of six sub-activities for the offices that provide describe direction and control and support services for the progress authorized by the Juwelle Justice and Dalinquary Prevention Act, the Missing Children's Assistance Act, the Anti-Incy Abuse Act, and the Victims of Crise Act.	he offi	oy Pres	at provide vention Ac	t, the	ive dir Caming	raction and dilatem's	control Assist	P V S	ot, the M	rviose fo	Abuse Abuse	Act, and
Large-Range Coni: To administer programs in the most effective and efficient merser possible.	et effe	otive	and effici	at H	2	elble.						
Major Objectives:											,	
To provide executive direction, control and coordination over the various OJP progress.	nation	Over t	he various	20.00								
To develop an arrual research and development program plan.	res pla	÷										-
To menage and analyze results of individual research progress and monitor all ourset research projects.	for the		nd monitor	20 23	rent r	seearth pro	dects.					
To combact in-house research on timely topics and provide policy briedings to senior officials.	provide	police	y beleding	8	dor of	ficials.		٠.				
To develop program models describing strategies to prevent and reduce crims.	Taylor I	t end	reduce cerb	i								
To produce and disseminate policy-relevant research findings to original justice officials and agencies at the Federal, State, and local levels.	h Cinds	8	cortainal	justice	officia	als and age	notes at	the the	Mederal, 8	itate, am	1 100al	_
To maintain an effective and efficient criminal justice reference service.	rtios r	ferrer	s service	_		*						
To collect, analyze, and publish statistical information on orize and the operations of the justice systems at all levels of government.	ation	S Orth	s and the	operati	ors of	the justic	system	£ 54	il levels	of gover	Į.	

To menege major national statistical series regarding crime, its victims, and the operation of the justice system.

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To provide support to State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. To develop mational standards for justice statistics to ensure the inter-State comparability, reliability and validity of justice statistics.

To develop statistical reports, focused enalytic reports, bulletins and maticals advisories alsad at improving the understanding of the general public concerning crise, crise prevention, and the functions of law enforcement, judicial and correctional agencies.

To provide technical assistance to eligible institutions, agencies and individuals regarding implementation and operation of programs.

To process and determine sligibility of claims for payment of benefits under the Rabio Safety Officers' Benefit progress within two vester of receipt of complete claims documentation. To direct and administer the Federal Surplus Property Transfer program and Private Sector/Fried Industry Estanoment Cartification program.

To direct and administrat the Marial Othen progress and Anti-Drug Abuse progress.

To direct and administer a progrem of Emergency Pederal Law Enforcement Assistance and the Regional Information Sharing System program.

To administer a program which provides grants to eligible orise viotia compensation programs and a program which search grants to States provide viotim sesistance programs. To direct and administer the Missing Children's program and Juvenile Justice programs.

To direct and administer a program which improves excylose to viotims of Paderal orises.

To direct and administrat a program which will improve the investigation and prosecution of child stume on Native American reservations.

To direct and administer a training and technical assistance program aimed at aligible State orize victims programs.

To prepare and disseminate program solicitations; review applications, concept papers or proposals; rate applicants and seard grants, contracts, and conjugative agreements.

To monitor all active grunts, contracts, comparative egreements, and interegency agreements.

To close out grants and contracts within 180 days of their end-date.

To provide grant review and emend functions in the most economical and efficient centralized manner.

To provide the full range of support services to the program offices.

Reat Evorum Description: The Office of Justice Progress (OTP) carries out policy coordination and general menogement responsibilities for the Bureau of Justice Assistance (BIA), Bureau of Justice Statistics (BIA), Meticnal Institute of Justice Assistance and Dalinghamoy Prevention (OAUR), and the Office for Victime of Crime (OVC). Since the functions and responsibilities of the five progress bureaus and offices are described in the justifications for those progress, they are not repeated here.

Accomplishments and Northload: The following table reflects some of the mejor workload and accomplishments of the office of Justice Programs:

280
18*
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od.
ustion projects monitored
untion proj and workshop
198
, development and evaluation justice conferences and w

NIX is not holding workshops in 1968 and 1999 and will be holding featur conference. The 1988 searchests eltered CAUR's fund distribution formula, significantly reducing the securit of funds smallable for 1989 discretionary programs. Also, in 1989 thank will be no jail resonal grants. Both of these factors contribute to the decrease in 1989 grant search.

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Item	7967		1988			8			8
Victim technical emsistance to improve services to victim of Federal crimes.	300		300			300			38
	88				:%			:%
Technical assistance provided to State and local governments by BJA (Instance)	3		3			\$ 5			650
Descriptivation projects funded by BJA. Training vertaining conducted by BJA.	38		8 8			88			8
Promes Canada	1	90 B	1990 Bate	881	F	1990 Partimete	E C	0	Increase/Decreese
	20 E	Ħ	Amount	Roe.	¥	Amount	Á	¥	Pole, M. Amoun
Management and Administration	334	25	334 342 \$24,980	310	318	. ct6'61\$ atc otc	7	7	-24 -24 -85,06
A net decreese of taenty-four positions, taenty-four workyears, and \$5,067,000 is requested for 1990, in the following sub-activities:	at 000,7	Ž.	ated for 15	%, th	94 15 15 15 15 15 15 15 15 15 15 15 15 15	llowing s	th-ectiv	tiles	*

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1. Beautive Direction and Omizol, HG?

In view of its examinationly increased workload and the priority need for messarch in criminal drug use and less than lathal weapon development, the Netional Institute of Justice is requesting an increase of one position, one workyest, and \$17,000.

The position requested is needed to conduct major developmental work for the Less-ther-Lethal Weapons Program. A technological research and development effort was enforced by the Actoring General's Conference on Less-ther-Lethal Meapons in June 1966. The total of police and civilial destate activity activities the Conference on the Lethan Library and control because the Conference of the

An increase of one position, one workyear, and \$67,000 is requested in 1990 to support expended functioning of the Bureau of Justice Statistics (BJS) Pederal integrated data base. This data base links information collected by several offices and bureaus within the Department of Justice (BOX) and represents the only single source of data linking the investigation, prosecution, adjudication, and sentencing of Rederal offenders.

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Under the expended program, data will be collected from investigative and convectional apercies not currently participating in order to breast a participating in order to stressed a more comprehensive view of Pederal activity. Data will also be collected on an expedited besis to paratic current enabysis of crializal justice activities and tracks notice activities in programs. Additionally, new products will be devalored to meet specific operations needs at the Pederal leval. These includes production of marthly reports which trace specific operational indicators and which provide organization and malysis of data to paratit real time response to departmental inquiries. Due to the arthumbaric response within DO and the additional data and products that will be provided through the expanded program on position is required to hardle the articipated heavy volues of requests for information and analyses. The professional in this new position all processional in this new manufacturity the quality, relevance and timeliness of the responses. This position involves managing all requests and manufacting the quality, relevance and timeliness of the responses.

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The individual in this position also would design reports to be prepared from the integrated data, parform limited in-house statistical analyses, prepare tables, and write reports for publication. In order for this data to be fully utilized by other offices, divisions, and analyses, prepare tables, and lie special public, requests must be processed quickly and efficiently, and the special public, requests must be processed quickly and efficiently, and the information disseminated properly and in a timely manner. Without an additional staff member, BUS is not in a position to undertake these article teads, and the funding of this initiative will not be productive.

A net decrees of sixteen positions, sixteen workyears and \$2,554,000 is requested for the Office of Javenile Justice and Delinquarry Prevention (GDIR) in 1990. The 1990 President's budget request includes no farts for the Javenile Justice Program, representing the Prevention (ODIR) in 1990. The 1990 President's budget request for the farty year of these-out of phase-out, therefore, a reduction of missions will seven workyears and \$29,500 is surposed for the farty-year of phase-out of the Juvenile Justice program. In addition, a reduction of seven positions, seven workyears and \$29,000 is included in the phase out of the Juvenile Juvenile Juvenile program. Although 1999 is proposed to be the last year for formula Question, then years excite while he settle with at least 1991. To responsibly close down the Juvenile Juvenile method in 1999 will be active until at least 1991. To responsibly a formula Juvenile Sentine, an additional cut of sixteen positions will be proposed in 1991, leaving a staff of four to administrat the Hasing Children Program.

Executive Direction and Control, BUN
A not decrease of ten positions, ten vortyears and \$2,517,000 is requested for the Bureau of Justice Assistance (BUN) in 1990. The
President's budget for 1990 proposes termination of the Arti-Truy Abuse, Merial Others and Regional information of Spatial progress. A
reshortion of \$2,433,000 is included for the first year phase-out of these progress. The halance represents a reduction of 10 positions, 10
workware, and \$84,000 for A-76 reductions. The request will laws 30 positions in 1990 to administer the Public Safety Officens' Benefits
progress and Benyerry Assistance progress and to begin closing down these other progress. **.**

Office of Dutice Programs
Outline Assistance Financial Analysis - Program Charges (Dollars in thousands)

	Research Evaluation Description Progress	attion ration	88	Criminal Justice Statistical Progress	A G	State and Local Assistance	Juvenile Tustics Progress	allie See	Public Safety Officers' Benefits Program	lafety Benefits res	
Į.	20.	Amount	Pos.	Amount	Be	AMOUNT	BB	Amount.	PSE.	Amount	
Grades											_
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990	:	:	:		:	:	:	:	:	:	
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Total positions and armual rate	:]:	:	:	:	:	:	:	:	:	
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ment were and paracrast compensation	:	:	:	:	:	:	:	:	:	: :	_
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TITLE OF THE PROPERTY OF THE P		\$2.000		\$1,082	,	:		98	:	:	
COME DEVALUATION OF THE PROPERTY OF THE PROPER				:	,	:		:	:	:	_
פונים שנים שבתיים היים יותר מיים וויים יותר מיים יותר מי		: :	_	:	,	:		:	:	:	_
DOLL		:		338		-83,497		60,725	:	:	-
Transmics claims and indemnities		: :		:		:		:	:	\$1,000	
											_
Total program workyear and obligations charges requested, 1990	:	2,000	:	1,417	÷	-3,497	:	63,800	፥	1,000	

Office of Justice Programs
Justice Assistance
Financial Analysis - Program Charges (cont.)
(Collet's in thousants)

	Neglonal Information Sharing System	Arti-Orug Abuse Progress	Hangment & Administration	Total
Item	Pos. Asixirt.	Pos. Amount	Ros. Amount.	Pos. Asount:
Oracles.				
G6-15	:	:	-2 -4145	-2 -4145
G8-14	:	:	_	
G6-13	:	:		
08-12	:	:		
G-11	:	:	9	
G-8	:	:		
G2-7	:	:	97 7	
Total positions and armual rate		::	-24 -1,092	-24 -1,092
				l
Total workyeers and personnel compensation	:	:	-24 -1,092	-24 -1,092
Personnel benefitte	:	:	-201	-304
Travel and transportation of persons	:	:	-200	-225
Transportation of things	:	:	7	7
Comment payments to occurrence and advantagement	•	•	?	7
charge delications, and accountances			200	980
Drinting and meneralise for	•			
Other mervices		-\$2.000	-2.618	7
Supplies and meterials	:		-100	001-
Equipment	:	:	267-	667
Grants, subsides and contributions	-\$13,000	-146,500	:	-223,387
Insurance claims and indemnities	:	:	:	1,000
The and the statement and the least two				
charges requested, 1990	-13,000	-148,500	-24 -5,067	-24 -229,447

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Office of Justice Program

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Datios Assistance

Status of Oromesionally Benneted Studies, Reports, and Evaluations

- Section 102(b) of the Anti-Trug Abuse Act of 1988 requires the Assistant Attorney General to subsit on errual report to the President and Compress by March 31 of each year. The report will be satelited on time.
- Section 810 of the Arti-Chuy Abuse Act of 1988 requires the Assistant Attorney General, the Director of the Bureau of Justice Betterfallon, and the Director of the Bureau of Justice Statistics, and the Director of the Martinta of Justice to satmit to the President and the Speaker of the Russes of Representatives and the President of the Series by Agril 1 of each year, a report on their activities from the preceding fiscol year.
 The ermal reports for each unit will be satmitted on time.
- 3. Section 404(a) (6) of the Missing Children's Assistance Act, as searchd, requires the Administrator of the Office of Dawnile Dainches and Dayness the Dainchest Communication of Section 405 which (1) occurs as a comprehensive plan to Section the Persistant and Congress not later them 180 days affect the end of Section 1902 with which (1) identifies a comprehensive plan to Section 2002 for and coordination and cooperation sample and sections of missing children responsibilities of Sections and the provide transfers, or other all to parent of missing children responsibilities (3) identifies action the provided adequate staff and operate of missing children resoluting children (4) describes but the Administrator provided adequate staff and against section of the Section (5) describes the Administrator provided adequate staff and olderstraphone (7) describes and section (8) describes the activities of the retirem 1 resource order and clearingtones (7) describes all progress sented under Section 400 discretionally staff and object of the retirem 1 resource order and clearingtones (7) describes and administrator of the retirem 1 and 10 for the retirem 1 and 10 for the section of control of the retirem 1 and 10 for the retirem 1 and 10 for the section of control of the retirement of the retirement of the retirement of the retirement of the retirement of the resource of other sections received, and specifies the major and types of cases hardlady resource of each case. The report for facult part 1998 and stall on the resource of each case.
 - 4. Section 400 of the Missing Children's Assistance Act, as seembed, requires the Administrator of the Office of Davenils Justice and Dalingsamery Prevention to begin a study within one year from the emporate of the 1806 seemblanch ob observable to the towns who have been removed by a noncascolal parent. The study is to be completed, and a report similated to the Compress discussing and assemilating the results, within three years. The study will be started within the pyear and the report will be stanisted on time.
- Section 207 of the Juvenile Justice and Dalingsarry Prevention Act of 1974, as searched, requires the Achinistrator of the Office of Juvenile
 Justice and Dalingsarry Prevention to state an errual report to the President and Organes within 180 days of the end of each fiscal year. The
 report made contain (1) a detailed search state of Yearlia control of the including officers type, officers, two, gender, age, facility
 type, and destributed to a same of the proper of the formal or of the first of compilator with Section 223 and
 the Pates plan; (4) a same of the compilator with section 223 and
 the Pates plan; (5) a description of each year to find a proper or extivity, entureliar information and an assessment of replacation
 to proceedable, and (5) a description of each year theresiter the report is day Nerth 31.

Office of Justice Programs

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Sap Marie Co.

Justice Assistance

Status of Communically Benneted Studies, Reports, and Proluntions (continued)

6. Section 248 of the Jovenile Justice and Delinquency Prevention Act of 1974, as searchd, requires the Administrator of the Office of Jovenile Justice and Delinquency Prevention to do too crudides, each of which is to be started within one year from emotraent of the 1988 seamthents and completed within the years, with a decapital expension of the requirement of the Complete of the Complete of the Complete of the Complete of the Complete of Instance or Complete of the State of the Complete
7. Section 530(o) of the Anti-Druy Abuse Act of 1988 requires the Director of the National Institute of Justice to errually report to the President, the Attorny General, and the Compane on the Institute and failuring of the schildtine and marked and development activities under excitors, 566 and 511. The Institute will report on its activities to intitute an evaluation of enti-druy progress and will report on anti-druy research and development projects shortly after the conclusion of the first year after passage of the Act.

9. Section 522(b) of the Arti-Drug Abuse Act of 1988 requires the Director of the Bursen of Dustine Assistance not later than 180 days after the end of each flacal year to satisfy the Companse a report that Indicate with respect to each State (1) the appropriate amount of grants and under natural 1 and adapts to such State St

Section 60% of the Arti-Drug Abuse Act of 1988 requires the Attorney General to exhalt to the President and Compuses by April 1 of each
year, a report describing Pederal law enforcement emergency emisternos provided during the calendar year preceding the date the report is made.
The report will be admitted on time.

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Office of Justice Programs Justice Assistance

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Priority Bankings

Program	Banking	~
Mengement and Administration Crisinal Justice Battation Programs Research, Systuation, and Demonstration Programs	์สตก	- A A
Missing Children Philio Safety Officers' Benefits Program Philos and Local Assistance Peptra Information Sharing System Peptrus Asses Program	4 <i>t</i> 0 <i>t</i> 0 <i>t</i> 0 <i>t</i> 0	

Detail of Pursenent Positions by Ortsony Ziscal Years 1985 - 1999 Office of Justice Program Dutios Assistance

				1990	
Ottopro	1968 Authorised	1969 Authorised	Progress	Program	Total
Attorneys (905) . United (900-998) . Other Legal and Kindred (900-998) . Other Legal and Kindred (900-998) . Other Legal and Control and Control and Color (900-998) . Other Color and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Attorneys (900-998) . Dispineering and Statustica (900-998) . Dispineering and Statustica (900-998) . Dispineering (900-998) . Dispineering (900-9089) .	24625240246	20833220230800		:: 1 :31::::::::	34642384034844
Total	329	334	2	-26	310
Mahlington	339	75	8	-26	310

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of Justice Program	atios sesistanos	smery of Chance	liars in thousands)
9	Just	4	(Dollar

. 2.

Department of Justice Appropriation Act. 1989.	i di	5 2 5 2 5 5 5 5 5 5 5 5
1989 supplemental provided in the Anti-Taug Abuse Act of 1988	15	15
Proposed resolution	:	:
1969 program eugh)emental treguented	12	12
Adjustments to base	;	
1969 Full-year pay increase impact on 1990	:	:
Special salary rates	:	:
MINITEGRADE INCREMENT	:	:
White the state of	:	:
COLUMN AND CONTRACTOR AND TECHNOLOGY AND CONTRACTOR CON	: :	: :
Ost requiring relaburable services	:	:
Pederal Telecommunication System (FTS)	:	:
Telegitore services	:	:
GPO printing coets	:	:
Employee data and payroll services	:	:
Constant percents agreements	:	:
THE ELGIS LINESCORES OF THE PROPERTY OF THE PR	:	:
Program Artista Francisco Database Constitution Constitut	1	1
1900 Band	語	12
Progress charges:		
Constitution of the first of th	:	:
State and Comit Assistance	: :	: :
Juvenila Justice Programs	:	:
Public Sefecy Officers' Benefits Program	:	:
Majiorni, Information Sharing System.	:	:
Hangament and Administration	ন	ন
Total, program charges	7 12	72

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Office of Justice Process Justice sentence Coutton of Adjustments to Res (Collect in thosenia)

Mandatory Angreeses

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1. 1969 Pull-year pay increase impact on 1990. This request provides for the Ail-year pay increase of 4.1 percent as contained in the Treasury, Powel Service, and Omersal Consenser appropriation and 1989, General Provisions, title VI, R.N. 4778, for civilian and military personned to be effective Junalay 1, 1989. The Department will be required to shooth the total pay raise in 1989. The required for Ail-year Ameling in 1990.	2. Special salary rates. This request provides increase as authorized by law in 8 U.S.C. 8303. The Office of Personal Namement (CFN) has approved these rates for positions where retarding and recoultants of qualified applicants is a problem. The Department's request represents coverage of special rates for 30 employees.	 Within-grade increase (MII) This request provides for the sepached increase in the cost of within-grade increase. This increase is based on a dynamic model of sotual Departments requirements. 	4. Health Berneltz. The Pedach State of the Cotal rate commencing Act (P.L. 97-244) provided that the Covernment's entre of health insurence would be 40 percent of the Cotal rate commencing in 1875. Effective for the first pay period after Jennacy 1, 1984, the school of Cotal rate of the Cotal rate commencing in 1875. Effective for the first pay period after Jennacy 1, 1984, the school correctional or health insurance invessed 32 percent. In requested increase of \$100,000 provides faring for actual increase of the Cotal pay period 1 to pay period 2, projected for a full year plus the Minimum 15-percent increase intitially predicted by Off for 1989. The school everage increase is 28 percent.	 Printel Exployees' Comparastion Act (FECA) = Workers' Comparastion. This increase reflects the billing provided by the Department of Labor for the social costs in 1988 of employees' accident comparastion. The 1990 emount will be \$10,000 or \$1,000 over the 1989 base.
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8

GRA Rent.
 CRA Will contains to charge rental rates that approximate those charged to commercial tenents for equivalent space and rainted services. A mendatory increase of \$454,000 is required to meet our commitment to GRA.

\$545

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or liev

GRA recurring relaburable services.

Relaburable powerts are sede to GRA for heating, vertilation and alt conditioning provided in excess of normal working hours and for quard services. An estimated 1.1 percent increase of \$2,000 in fees for these services in 1990 over the 1989 charges of \$157,000 is required.

Rederal Tw. communication System (FTB) reticn authorized a 16-parcent increase in Federal Twiscommunications System (FTS) In 1986, the General Sarvices Abhulmitration authorized as 16-parcent increases. GSA cost estimates for 1990 have interactly costs. This increase was mainly das to unanticipted strift increases. GSA cost estimates for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a twenty-parcent increase in FTS costs. The actual increase over the 1999 base svaliability is 24 parcent. An increase of \$35,000 over the 1999 hase of \$216,000 is requested.

8

Telephone Bervice.

The Department is regulating an obsolete, insifective, and expensive Centrum telephone system with a state-of-the-eart, in the Department is regulated to a control of the Centrum that the semiliprocessors, and cost-effective digital balaphone system in the Neminigan area. Onsis for lessed Centrum lines and high-personeness, and cost-effective digital balaphone system. The current system provides the Department with little control over telecomanications costs. After five years, the Department will on this modern telephone system, and it will significantly ingreve the Department's communication copies. After five years, the current system, the per-line resolution is needed to aliasiness protection and the accountable of the telephone system. However, it will also require a substantial media of the telephone system. However, it will also require a substantial media of the per-line protection of the telephone system. However, it will also require a substantial state and since of the telephone system. However, it will also require a substantial telephone system of the per-manth to \$45.69 per-manth in 1990. The cost to this expanisation is \$160,000. ė

10. GRO printing comfs.
The Government Printing Office (GRO) is currently projecting a four-percent increase over the 1989 printing comfs of \$575,000. An additional \$23,000 will be required in 1990.

11. Exployee data and psyroll services are provided to all Destruental organizations ecoupt the Pederal Bursau Centralised esployee data and psyroll services are provided to all Destruental organizations enough the Pederal Bursau of Investigation. Charges for these services, which include information systems, maintenance and psyroll and accounting are based on the number of employee records maintenance. The entry of \$177, \$20 per record in 1988 will be raised to \$188,23 per record for 1990. The charge is based on articipated uncertivallable cost increases of 6 percent for the operation of the hustice Employee Date Service. An increase of \$4,000 will be regulated in 1990.

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Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousants)

Grades and salary ranges Broative Laval IV, \$80,700 Br-1, \$76,400 Br-1, \$76,400 Br-1, \$68,700 Br-1, \$68,700 Br-1, \$68,700 Br-1, \$80,700 Br-1, \$80,700 Br-1, \$80,700 Br-1, \$1,123-51,800 Br-1, \$20,825-51,130 Br-1, \$20,825-71,130 Br-1, \$20,825-71,130 Br-1, \$20,825-71,130 Br-1, \$20,825-71,130 Br-1, \$20,825-71,130 Br-1, \$20,805-71,130 Br-	1988 Actions & Experience & Exp	Tan Daniel	1989 254 Lintte & Houttons & Houttons & Houttons & Lints & Lin	Amount	1990 Pariante Positions 4 Mathematica Amousticons 4 5 5 5 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Anoust	Dozensky Decrease Prostetors & Heatware Macure Prostetors & Heatware Prostetors & Heatwa	- Manual Amount
Total, appropriated positions Pey above stated annual rates annual rates	6: SP	113,573 104 -3,050	4: 3	\$13,871 -2,366	310	\$12,743 	7:5	-\$1,128 2,366
consignation of the property of the fall class personner. Other than personner: Part-Clas personner: Temporary equippent. Temporary equippent.	260	10,690 292 2,024	277 8 57	11,285	300	12,743 175 85	# P#	1,458
Overties Obstrommention Obstrommention Special personal services payments Total, vortyeeus and parsonal compensation	as	26 326 336 118	342	1600	::: 8	13,088	::: 8	-1.370
Average ES Salary. Average CS/CH Salary. Average CS/CH Grade.		(\$70,880) (\$39,854) (11.14)		(\$73,790) (\$40,031) (11.13)		(\$73,790) (\$39,466) (11.04)		•

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Office of Justice Progress

Assery of Regultuserie by Grada and Object Class (contlined) (Dollars in thousands)

1 to 1 to 1 to 1 to 1 to 1 to 1 to 1 to	1968 Actual	Ctrail	1969 Betimete	inte	1990	1990 Patimata	Inches (Decre	Decrees.
1) Bernerral crement (cn.	TO TO THE					-		
11.1 Pull-time persenant.	260	\$10.690	. 442	\$11,285	310	\$12,743	33	81,458
Other then	3	2,316	3	2,903	-	360	ç	-2,63
٠	:	352	:	170	:	2		Ť
Specia	111	118	111	100	***************************************	444		901-
7	321	13,476	342	14,458	378	13,068	-24	-1,370
Other objects:								
		1,855		1,960		1,820		-140
_		•		2		2		:
21 Travel and transportation of paraons		685		825		96 96		-275
Transportation o		•		•		•		7
23.1 Standard Level user charges		1,854		1,832		2,377		550
Named payments	×	8		3		8		7
23.3 Communications, utilities and								;
miscellansous charges		1,123		1,249		8		-230
Printing		831		3 46		200		3
•		24,906		27,201		7 20,183		-7,018
26 Supplies and meterials		281		8		2		917-
A		377		\$:		7
Ornerts, subsidies, and o		212,434		254, 818		31,518		-223,303
42 Insurance claims and indemnities		9,300	-	24,279		25,000		7
Total obligations	321	267, 194	342	328, 199	318	96,253	ř	-231,946
Becomery of perior wastroblications		-2.965		:	. 1	:		
		-46,378		-11,224		:		
balance,		11,224		444		444		
•		229,075		316,975		96,253		
Relation of obligations to outlays:								
Total obligations		267,194		328, 199	. 0/2	8,253		
Ξ,		440,795		424,753		475,683		
Obligated balance, and-of-year.		-424,753		-475,683		-235,141		
Outland an explanation of the contract of the	4	280.271		277.269		336, 795		

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office of Justice Programs
Justice Assistance
Corpulting and Related Services
(Dollars in thousants)

	1988 Actual	1989 Detimate	1990 Partimets
Consulting Services	\$321	. 0015	6
Management and Professional Services	8,253	9,600	8,600
Special Studies and Analysis			111
Total	8,574	7,000	9,000

Patientes for Piecel Year 1990 Office of Justice Programs Department of Justice Crime Victime Band Table of Orstente

Summary Statements

Summary of Programments

Justificaction of Program and Performance

Status of Compressionally Requested Studies, Reports, and Evaluations

Status of Compressionally Requested Studies, Reports, and Evaluations

Office of Justice Progress

Crime Victime Pard

Burnery Statement

Fiscal Year 1990

The Crime Victime Fund was established by the Victims of Crime Act of 1984, as searched by the Children's Justice Assistance Act of 1986 and Treathfortished by the Arti-fury Manue Act of 1986 [1. 100-600]. Current legislation provides for the deposite fund the Proof of Pederal Crime Anti-fury and Crime Anti-fury and Crime Anti-fury and Crime Anti-fury and Artifury and Crime Proof of the Artifury and Crime Anti-fury assistance and Crime Anti-fury and Crime Anti-fury and Crime Anti-fury Artifury and Crime Anti-fury Artifury Artifu

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· -	1989 Detiente	\$112,067 90,000 • -±90,000	112,067		61,613 43,860 3,879 531	112,067	
Office of Justice Programs Grimm Victims Fund Summary of Empirements (Dollars in thousands)	1988 Actual	\$67,202 93,559 * -112,067	68,694		25,447	77.00	
NOTIFICATION OF THE PROPERTY O	Etransling	Unchigated belance evaliable, start of year Collections/deposits/receipts. Unchigated belance evaliable, end of year.	Budget Authority (chilgations)	Obligations by Program	Victia comparantion, Victia enalitance, Victia maniferno, Chiddran's Justice, Chiddran's Justice, Chiddran's Justice, Markers Process	Chligations	* Deposits are chilgated the year after they are collected.

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Office of Austice Progress

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Crime Victims Rand

Justification of Program and Performence Activity Resource Summary

(Dollars in thousands)

لہ	43	52	
1000	Pos. Nr. Amount	\$22,067	
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timet ation	7	\$	itette
87	9	:	8 5
1990 Estimated Obligations	Á	000'06\$	ing Names Coal: To encourage all States and Paderal territories to provide victims and semistance programs
1	별	M \$112,067	8
D S	2	77	8
1969 Estimated Obligations	궠	:	0]
§ 8	į	:	10
1	28	•	9
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di Alfa	Perm. Ros. Mr. Amount	+69/894	S.
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bet to the Contract Band		Crime Victims Pard	9
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LINT BRONG GEALT TO encourage all states and Pesaral Variforiss to provins violize of designed to reduce the emericani, tiumnoisi, and to support to reduce the emericani, tiumnoisi, and physical effects of violizisation, and to support violize in the oriental justice process.

Major Orlectives:

to implement the provisions of the Victims of Crims Act of 1984, as smended by the Anti-Drug Abuse Act of 1988 (P. L. 100-690).

to monitor State compensation and viotim easistance progress to ensure compliance with Pederal quidalines.

To monitor State viotim assistance grants for Mative American reservations.

To provide technical essistance to the States in implementing victim essistance and victim compensation programs.

To provide technical essistance to the Mative Pearsons organizations which serve Pederal Ories viotiss.

To compile and analyze data satmitted by the State programs.

To monitor compilance with the Attorney General's Guidelines for Victim and Witness Assistance in agencies with Federal law enforcement or prosecutorial responsibilities.

To provide technical essistance support to Federal victis/Adthess coordinators, other U.S. Attorney and Pederal investigative parachesi.

- 139

assistance to unserved victims of Pederal orimes. provide limited, direct

1

To develop and implement a program to improve handling of child abuse cases on Native American Reservations.

Deem Procure Description: The Victims of Crime program is furned by collections of firms, panely sessenseris, and bord forfeitures from people convicted of Redemi Crimes.

Justice and Assistance Act of 1966 (P. L. 59-401) and reschilded by the Victims of Crime Act of 1966 (P. L. 50-401) as manned by the Crimes of Crimes and Assistance Act of 1966 (P. L. 59-401) and reschilded by the National Act of 1966 (P. L. 50-401) and reschilded by the National Act of 1969 (P. L. 100-400). Up to \$125 million may have described into the Act of 1966 (P. L. 100-400), Up to \$125 million may have exceed \$10.0 million, when the Act of 1960 million and the Act of 1960 million and the Act of 1960 million and the Act of 1960 million and the Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million and Act of 1960 million in 1960. Approximation for an act of the Act of 1960 million and Act of 1960 million in 1960 million in 1960. It is articipated that collections will total

Purds are tempted at five progress areas: 1) Criss viortis Compensation - The legislation sets saids 49.5 percent of the Puri for this purpose. These furths are distributed to the States on the heals of 400 of thair aligible viories compensation payouts during the percenting the providing viories. 2 Criss Viories which provide assistance to the Puri is set saids to be earthed to States for the purpose of providing services, other seasifactors and inalted emergency financials assistance to viories of criss. Percenty must be given to alighile active viories assistance to viories of criss. Percenty must be given to alighile for viories assistance and percent of the provide assistance of the provide assistance of the provide assistance and percent of the provide assistance of the provide assistance of the provides assistance of the provides assistance and percent of the provides assistance and percent of the provides assistance and percent of the percent of the total available in the definite and percent of the provides of percent of the provides assistance are provided to the percent of

Accompliaments and Morthood: During 1989, the Office for Victiae of Crise (OVC) expects to seard \$44,922,000 to 42 States for victia compensation programs. In 1990, the Office articipates searching effects to 52 States for Victia compensation and \$40,500,000 to 50 States and searching expressive for Victia compensation and \$40,500,000 to 50 States and seaf-tones. One or two meetings of expressive for Victia are to be convend by the Office to foollitate mentioning and administrative revise of the compensation and seaf-tones grant programs. Further, two grants have been exacted that will provide training and technical seaf-stance to State shahilatrators

In 1988 the office continued grants with the National Shariffe; Association, the Task Purce on Familias in Crisis, the Illinois Challed Association of the Possident's Challed Safety National Organization of the Description to Charles and the National Organization of the Description of the Possident's Task Force on Victims of Crims. The Office also provided staff support for the Possident's Child Safety Partnership and the Possident's Child Safety Partnership and the Possident's Task Force on Victims of Crims and Safety Partnership and the Possident of Crims and Safety Partnership and the Possident of Crims Assistance and the National Victims Control of Child Safety Partnership and Possident of the Victims of Crims Assistance and the National Victims Control assistance and the National Victims Control and Safety in the National Victims of Crims Assistance and the National Victims Control and Safety in the National Victims of Posside Interpretation of the Victims of Crims Assistance and the National Victims of Posside Interpretation of the Victims Safety of Control of Contro

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2	Z		acrised or down of a	Obligati	(Allocation of 1989 Collections)	40,550
	Bot. Mr. decurit	000'06#	balance o	2861	33	
	뉙	:	depted depted			
Į	Ź	:	unobli			no
	Re. M. beant	1112,067	includes the following		Total	\$61,613 43,560
ŀ	뉙	:	e e		in the	169
2	Ž	:	1969 1-1999	iontio	Unobil Lymbad Carryover	\$16,691 88
,			the chligation emount for in 1969 to \$100 million	1989 Cb)	of 1988 collections Carryover	\$44,922
		Crime viotine fund	In addition to the \$99,559,181 collected in 1988, the chigation securit for 1889 also includes the unchigated belance carried over from 1989 collections are expected to rise from \$90 million in 1989 to \$100 million in 1990. The following chart displays a breekdown of anticipated 1988 and 1989 chigations by program:			Compensation

Office of Justice Progress

Ories Victims Pard

Status of Congressionally Requested Studies, Recets, and Prelimitions

Orine Victims Purd

######################################	N N	of Class	1988 Actual	1989 Patimote	1990 Patimate	Increase/Decre
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OPENING STATEMENT

Mr. Mollohan. The committee welcomes the Assistant Attorney General for the Office of Justice Programs, Richard B. Abell. Mr. Abell, you may proceed with your statement. [The statement of Mr. Abell follows:]

DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL RICHARD B. ABELL
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1990 budget request for the Office of Justice Programs. The amended request for the Justice Assistance appropriation is for \$246,253,000 and 324 positions, which represents a net decrease of \$70,722,000 and 10 positions from the 1989 anticipated appropriation of \$316,975,000, that provided for 334 positions.

Before I address the details of our request, I am happy to note that the 1990 budget amendments recently announced by President Bush include funding to continue the State and local drug grant program at the 1989 level. His proposal recognizes the need for a combined Federal, State and local effort to successfully fight the scourge of drugs. Although funding for the Anti-Drug Abuse grant program is being requested at the same level as the 1989 appropriation, it should be noted that the Anti-Drug Abuse Act of 1988 raises the matching requirement for 1990 from 25% to 50%. Thus, the total amount of funds which will

be available for the war on drugs will actually increase by \$30 million.

Included in this request is a net mandatory increase of \$8,725,000 for various adjustments to base; an increase of \$67,000 and one position for the Bureau of Justice Statistics, an increase of \$37,000 and one position for the National Institute, and program increases of \$2,000,000 for Research, Evaluation and Demonstration Programs, \$1,417,000 for Criminal Justice Statistical Programs, and \$1,000,000 for the Public Safety Officers' Benefits program. A decrease of \$3,497,000 is included for the State and Local Assistance program, and decreases of \$76,800,000 are requested to terminate funding for the Regional Information Sharing System and the Juvenile Justice Programs. A decrease of \$3,671,000 and 16 positions for Management and Administration is associated with program terminations and A-76 reductions.

The National Institute of Justice conducts the core research program of the Federal Government concerning the causes and correlates of crime. We are requesting a total of \$24,691,000, which is an increase of \$2,000,000. This increase is for the development of an effective less-than-lethal weapon. Such a weapon will serve as an alternative to the standard handgun used by law enforcement officers and would save the lives of many law enforcement officers, innocent civilians and suspects.

The sum of \$22,449,000 is requested for the Bureau of Justice Statistics. The requested amount is \$1,417,000 more than the base. This Bureau is the primary Federal agency to collect, analyze, and disseminate criminal justice data. The National Crime Survey, which is the principal source of information on criminal victimization, is the largest statistical series maintained by the Bureau. Of the requested increase, \$476,000 would fund the first year of a two-year implementation stage of the redesigned National Crime Survey, and \$606,000 would fund the National Jail Census and Survey, which is conducted every five years. This is the only nationwide statistical series conducted on jail facilities, staffing, services, and inmates. The series provides essential information about the number of inmates held in jails, as well as the patterns of drug and alcohol abuse and the criminal careers of the inmates. The balance of the increase, \$335,000, will permit expansion of the Federal integrated data base. This will allow cases to be tracked through the Federal criminal justice system, from arrest through sentencing.

The Anti-Drug Abuse Act of 1988 significantly increased the entitlements provided under the Public Safety Officers' Benefits program. A survivor of an officer killed in the line of duty will now receive a basic benefit of \$100,000 instead of \$50,000 and, in addition, the benefit will be adjusted each year by the increase in the Consumer Price Index for the past year. The

requested increase of \$1,000,000 will provide sufficient funds to pay eligible claims in 1990 at the higher benefit level.

The Anti-Drug Abuse Act of 1988 incorporates the purposes of the State and Local Assistance program into the Anti-Drug Abuse program. Since the State and Local Assistance program is no longer authorized separately, the requested decrease of \$3,497,000 simply terminates the program as a line item in the budget, but would allow many elements of the program to be continued under a Unified Grant Program.

Termination of the Juvenile Justice program is requested, which represents a reduction of \$63,800,000. Under this program over \$1 billion dollars in Federal funds has been made available to the States and localities over the past 15 years. These funds have not required matching by the States or localities like most other grant-in-aid programs. It is our hope that States and localities will examine the various programs that have been supported with these funds, and then they can determine which programs are working well enough to deserve continuation with State or local monies. State laws and policies on the treatment of juveniles have evolved markedly since passage of the Juvenile Justice Act of 1974. We believe that the impact of any additional funds made available for this program will be marginal.

A reduction of \$13,000,000 for the Regional Information
Sharing Systems is requested. Although we believe, and in fact I
have stated before the House Appropriations subcommittee, that
these programs are of great value, we have a problem of priority.
Uniquely Federal responsibilities must come before State and
local programs. There simply are not enough available resources
to fund this type program as well as Federal requirements. We
hope that the systems will be able to solicit sufficient
resources from the users to cover their costs.

The President's budget assumes favorable Congressional action on a proposal to rescind the \$5,000,000 appropriated in 1989 for the Mariel Cuban Program. There is an urgent need to finance statutory supplemental costs for the Public Safety Officers' Benefits program, and to start up the process of establishing eligibility for the Japanese reparation. In order to stay within the budget agreement between the Congress and the Administration it is necessary to propose areas of decrease to fund any supplemental requests. The Mariel Cuban program is of less priority than the supplemental requests. In 1988 grants went to thirty-eight States and only two States received more than \$400,000.

The request for Management and Administration includes an increase of one position for the Bureau of Justice Statistics to allow them to support the expanded Federal integrated data base function, and one position for the National Institute of Justice

to conduct major development work for the less-than-lethal weapon program. A decrease of 16 positions and \$2,654,000 is proposed for the Office of Juvenile Justice and Delinquency Prevention due to the proposed termination of the Juvenile Justice programs and A-76 savings. The request for the Bureau of Justice Assistance represents a net decrease of \$1,017,000 and a net increase of four positions. The decreases are for A-76 savings and program terminations, and the increase in positions is for administering the Anti-Drug Abuse program.

Finally, the amended budget request for the Crime Victims Fund, which is financed by Federal criminal fines, bond forfeitures, and penalty assessments, shows an anticipated level of collections at \$125,000,000. I am delighted to report that the recent increases in criminal fines are expected to result in 1989, 1990 and 1991 collections that exceed the cap of \$125,000,000.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or other members of the Subcommittee may have.

SUMMARY OF THE OFFICE OF JUSTICE PROGRAMS BUDGET REQUEST

Mr. Abell. I have submitted a written statement for the record. I will then give a summary of the statement. Permit me first to introduce Mr. Allen Vander-Staay, who is the budget specialist in the Office of Justice Programs, who many of my predecessors have served under.

Mr. MOLLOHAN. Welcome.

Mr. ABELL. The longer testimony will be submitted for the record. I should indicate that the amended request is for \$246 million and 324 positions, which includes almost \$150 million for the

anti-drug abuse grants.

The Office of Justice Programs is the major research and statistical gathering agency for the criminal justice system. We have a mandate to promote innovation and information sharing in the criminal justice area to benefit Federal, State and local governments. We also provide financial assistance to the State and local criminal justice community. OJP is particularly active in the area of advocacy for innocent victims of crime.

The budget request before you requests budget authority for:

1. Research and Development;

2. Statistical collection and analysis;

3. Anti Drug Abuse Grants;

- 4. Public Safety Officer Benefits: 5. Missing Children's Program; and 6. Management and Administration.
- The changes in the budget are:

1. A \$2 million increase for research into the development of an effective less than lethal weapon.

2. An increase of \$1.4 million for three statistical initiatives, two

of which are nonrecurring increases.

3. Accommodating a more than doubling of the PSOB program due to increases in the benefits and the number of eligible claims. This request also reflects termination of three grant programs:

1. Juvenile Justice Programs;

2. Mariel Cuban grants;

3. Regional Information Sharing System.

With the tremendous budget deficits, I believe it is time that funding for these programs come from other than the Federal Government.

That concludes my remarks, Mr. Chairman. I stand ready to answer your questions.

ANTI-DRUG ABUSE GRANT PROGRAM

Mr. Mollohan. Mr. Abell, please describe the new State and local assistance grant program authorized by the Anti-Drug Abuse Act of 1988 and how the Department is implementing the new pro-

gram?

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Mr. ABELL. We took two previous pieces of legislation and merged them into one—the 1984 and 1986 grants. By merging them into one rather than two it has facilitated the paper flow and made things easier for the State and locals applying for these grants. It was an intelligent logical decision to have done that. I for one applaud the Congress for having merged those two programs into one.

As you probably know, of the funds that have been appropriated, 80 percent are for formula grants and 20 percent are discretionary grants. The 20 percent discretionary funds are for demonstration programs, training, and technical assistance, and to enhance the formula grant programs. The 80 percent of the funds which are formula grants, in this year, fiscal year 1989, require a 25-percent State match. For fiscal year 1990, there will be a 50-percent State match by law and as a result, that will trigger some \$30 million coming from the State and locals Governments.

The States, of course, have to devise a statewide plan and that has been delineated in the new legislation with far more care than

Under the first anti-drug legislation of 1986, the States had the option of submitting their statewide plan at anytime throughout an entire year. Now, of course, the legislation calls for the statewide plans to be in within 60 days after our regulations are published.

Within 30 days after the bill was signed by the President, we were required to have our regulations published and that was so done. Since then, 60 days expired for the submission of the statewide plans. In fact, if my arithmetic is correct that would have expired a week ago. All of the 56 State units have in fact submitted their statewide plans, which are currently being analyzed.

We must have the funds out within 45 days of the submission of the statewide plan. That means the funds would be awarded, or if there was some problem with the plans there would be further dis-

cussions with the State. I envision no problems.

UNIFIED GRANT PROGRAM FOR ANTI-DRUG ABUSE AND SYSTEM IMPROVEMENT

Mr. Mollohan. Let me understand this in relationship to the local assistance programs under the Justice Assistance Act. Is the new law incorporating the programs under the Justice Assistance Act?

Mr. Abell. Yes, the program specified in the 1984 legislature was incorporated into the anti-drug abuse laws of 1986. Nothing has been dropped out. In fact, the way that the legislation has been constructed, it leaves it to the option of the States as to how they expend their funds.

Mr. MOLLOHAN. In your statement you said "Many elements of the program would be continued under the unified grant program."

Would the unified grant program fund the traditional types of programs that the State and local assistance programs have funded in recent years, or would it be strictly reserved for anti-drug programs?

Mr. ABELL. No it would not be strictly anti-drug programs. The way the law has been constructed, at the option of the States, they could in fact if they wish, and we see no evidence of this, invest all their funds in any one of those programs, or two, or three, or put it all into drug abuse, or split it up.

None of the priorities have been deleted but it is up to the State

and locals.

IMPLEMENTATION OF OPERATIONAL INFORMATION SYSTEM SUPPORT PROGRAM

Mr. MOLLOHAN. You mention under base program description, page 22, you recognize the Congress designation of \$1 million for

operational information systems support.

Then on page 23, when I look through our accomplishments and workload I don't see any reference to how you are implementing the Congressional directive which is contained in the law and more specifically delineated in the report at page 35.

Could you describe for the committee how you are implementing

that?

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Mr. ABELL. I understand this is a brand new program that we have not yet started to implement. In fact, we are undergoing negotiations with SEARCH Group. We expect their proposal within a week.

Mr. Mollohan. You think that is a new program?

Mr. ABELL. This is the \$1 million for system support. We now have those negotiations underway. They have to get back to us. We are supposed to have them back to us within a week for their proposal.

I understand that that will emphasize States and small agencies

most in need of automation.

Mr. Mollohan. Are you aware of what the report requirement is in regard to this particular \$1 million?

Mr. Abril. I understand we are supposed to be doing East and

West Coast training lab centers.

Mr. Mollohan. Page 35 says in allocating the \$1 million, the conferees expect the Bureau of Justice Assistance to give priority consideration to States that have not automated their criminal justice information systems.

It doesn't say anything about East and West Coast labs.

Mr. ABELL. These are the labs that will be doing the training for the States. The emphasis is on small States where they have not felt the need for this.

Mr. Mollohan. Have you identified the five States where you

are going to spend this money?

Mr. ABELL. No, we have not. Mr. MOLLOHAN. When will you do that?

Mr. ABELL. We are expecting within a week to get the SEARCH proposal.

Mr. Mollohan. Where would you anticipate spending that \$1

million, pursuant to what criteria?

Mr. Abell. We are looking for appropriate training and demonstrations. We expect to have extensive on-site assistance and certainly continued development of systems to be useful to small and medium-sized agencies.

CRITERIA FOR OPERATIONAL INFORMATION SYSTEMS SUPPORT PROGRAM

Mr. MOLLOHAN. I am not sure I understand what you are saying. As I read this language, what it directs you to do is to spend this \$1 million, which we added to the budget in those States that do not have criminal justice information systems automated. I am asking

you by what criteria will you pick the States that you spend that money on?

Mr. Abell. Could I supply that for the record then? I would want

to be specific.

Mr. Mollohan. Let me suggest some criteria to you, may I? Would you like me to do that now?

Mr. Abell. Yes, if you wish to.

Mr. Mollohan. The conferees expect the Bureau of Justice Assistance to give priority to States which have not automated their criminal justice systems. As you might guess, I happen to be from one of those States that has not automated. That is kind of the background.

We would very much like to have that assistance that you so

ably may provide. You mentioned East and West Coast labs.

Mr. Abell. They are going to be doing the training, on site. Mr. Mollohan. In the States that you are talking about?

Mr. ABELL. Yes.

Mr. Mollohan. Beyond training I suppose these systems would

involve hardware, is that correct?

Mr. ABELL. I don't believe so. As you can see, we have 2,500 grants and contracts in OJP. Although I am familiar with every program, I don't know all the details of each and every one.

Mr. Mollohan. I am trying to raise the visibility of this one a

little bit. Is someone here who can speak to that?

Mr. ABELL. I will be happy to provide that information for the record.

Mr. Mollohan. Who has specific responsibility for that?

Mr. ABELL. The Bureau of Justice Assistance, which is one of the five components of the Office of Justice Programs. They have supplied me the information that this proposal is coming in shortly and they have been working with SEARCH.

Mr. Mollohan. Who is the person in charge?

Mr. ABELL. Dr. Charles Smith is the Director of the Bureau of Justice Assistance. There are a number of other people in that component.

Mr. Mollohan. Have you obligated any of this money yet?

Mr. Abell. No.

[The information follows:]

Operational Information Systems Support Program

In order to comply with the Committee's directions for 1989, we reviewed the 1988 program and made minor modifications to ensure that the States that had not yet automated their criminal justice systems would be assisted in doing so. In addition, the Bureau of Justice Assistance (BJA) is encouraging use of block funds for programs to support operational information systems and workload management systems.

The amount of operational information systems support that is planned from 1989 discretionary funds is as follows:

Operational Information Systems Support, Assistance and Training	\$400,000	
National Criminal Justice Computer Laboratories and Training Centers	,500,000	
JUSSIM (Justice System Improvement Model)	50,000	,
State Law Enforcement Management Information Systems (LEMIS)	80,000	<u>a</u> /
TASC/Case Management Information System	350,000	**
TOTAL INFORMATION SYSTEM PROGRAMS	\$1,380,000	

a/ In addition, the state of Pennsylvania is contributing \$200,000 of its block grant funds to develop a micro system for law enforcement. This will then be available for transfer to small departments in other areas.

In 1987 and 1988 we realized that funding for the Justice Assistance Act was scarce in comparison to State and local criminal justice expenditures and that agencies without automation were going to have difficulty obtaining funds to purchase and use automation. We adopted an approach that would make automation more accessible. We stressed micro systems because they are inexpensive and easy to use. We trained and provided technical assistance in how to plan for, procure, and use these systems. We engaged in the actual development of public domain micro systems (now available for prosecution and jail management), which are available at a fraction of previous costs. In essence, lacking funds to buy expensive systems, we created, with the operating agencies, systems they could afford.

The prosecution system, "D.A.'s Assistant" is a case-inpoint. Released without fanfare in August, the system has
been purchased by 40 agencies already. Because it is in
the public domain, it can be copied by any agency that
purchases it and it can then be shared with other agencies
in the state. Vermont, Maine, Missouri and New York are
proceeding to do that and install the system statewide.
Tennessee, Kentucky and Florida are considering doing the
same. When the jail management system, "LOCKUP" is
formally released, we expect a similar response, primarily
from the small agencies. In short, the savings created by
this approach can be conservatively estimated at several
million dollars. More importantly, states that were not
automated, and could not afford to automate, can now put
comprehensive systems in place.

We have provided a technical infrastructure to maintain this effort. On-site technical assistance and training has been provided by SEARCH; in 1988 SEARCH provided such on-site help in West Virginia, Montana, Maine, Arkansas, Utah, Idaho, Alabama, Oklahoma, Alaska, the Virgin Islands, Maryland, Texas, Hawaii, and Pennsylvania. Computer laboratories and training centers were created to make needed training and assistance available on a more regular basis, to provide continuing demonstrations of available systems, and to provide a place where agencies could come to compare available systems without facing vendor sales pressure. The labs are proceeding in response to a formal assessment of training needs that was conducted in late 1988. They provide a continuing source of assistance to states that are not automated and provide a place where systems expertise can be focused. Joint training with the International Association for Chiefs of Police is already planned for 1989 and similar relationships with other national organizations is anticipated.

Documentary fruits of this effort, in addition to the actual systems developed and documented, include the monograph on automated fingerprint information systems, the prosecution systems directory, the courts systems directory, the prosecution management program brief (in printing), the structured systems development guidelines (under review), and the structured systems acquisition guidelines (in draft).

BUSH AMENDMENTS TO 1990 BUDGET REQUEST

Mr. Mollohan. Mr. Rogers.

Mr. Rogers. The Bush amendments would add back \$150 million for the anti-drug abuse grants. Would it add back the monies for

the Juvenile Justice Programs?

Mr. Abell. No, sir. The Missing Children's Program of that office is still included, but it would not add back the \$63 million of juvenile justice grants.

Mr. Rogers. Would it add back the RISS \$13 million?

Mr. ABELL. No, sir.

Mr. Rogers. So those two would be gone under the Bush amendments?

Mr. ABELL. Yes, sir.

Mr. Rogers. What else of a large nature would be done away with?

Mr. ABELL. The Mariel Cuban grants.

Mr. Rogers. And he would increase the funds paid out to the vic-

tims of crime?

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Mr. Abell. As a practical matter, yes. But those are not appropriated funds. Those are funds that are accumulated through Federal fines, penalties and bonds forfeitures.

Mr. Rockes. He proposes to increase that, I guess, from the fees

coming from the Drexel Burnham case.

Mr. Abell. The Victims Fund Amendment called for \$125 million. Absent Drexel Burnham, we may hit that amount this year. After the \$125 million, there is an additional \$2.2 million provisions for the judicial initiative. Then the funds by law go automatically into the Treasury.

ANTI-DRUG ABUSE FORMULA GRANTS

Mr. ROGERS. Yes. The Office of Justice Programs' distribution of Anti-Drug Abuse formula grants by 1989—I have a list of them for this year—is that by formula?

Mr. Abell. Yes.

Mr. Rogers. It is based on what?

Mr. Abell. Population, as well as a minimum of \$500,000. After each State gets \$500,000, the remainder is spread by population.
Mr. Rogers. Will there be more monies for 1989?

Mr. ABELL. No, not for the anti-drug abuse grants.

Mr. Rogers. Thank you, Mr. Chairman.

Mr. Mollohan. Mr. Smith?

COMPLIANCE WITH JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. Smith. There have been some problems. Some of the States have not complied with the Act, right?

Mr. Abell. Talking about juvenile justice?
Mr. Smith. Yes. Are some States still not in compliance?

Mr. ABELL. Based on the latest monitoring compliance reports for 1986, I understand for deinstitutionalization, 51 State units are in compliance and the 52nd is in the process of doing so. For jail removal, there are nine States in full compliance and twelve States in substantial compliance. For separation, I believe it is roughly

two-thirds of the States that are in compliance, and close to another third are in that process.

The 1987 reports are being analyzed now. If you would like, I

would be happy to submit that for the record.

[The information follows:]

STATUS OF STATE COMPLIANCE WITH JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The compliance status of any State may change from year to year. OJJDP is currently reviewing the 1987 Monitoring Compliance reports which will determine the States' eligibility to receive their FY 1989 Formula Grant Award. The 1988 amendments to the Juvenile Justice and Delinquency Prevention Act provide an alternative substantial compliance standard for jail removal, as well as an alternative sanction to termination. A compliance determination cannot be made on a number of States until the implementing Regulation is issued. We expect to have the 1987 compliance information finalized sometime in the last quarter of FY 1989 and will be happy to provide that information when it is available.

TIMING FOR COMPLIANCE

Mr. Smith. I wish you would. How long is it going to take before

they are all in compliance?

Mr. ABELL. Well, I don't know if I could give a figure in terms of time. I know that with jail removal, there have been a fair amount of problems involved with the deadline for compliance. We are sensitive to the issue.

Mr. SMITH. I don't know if "forcing" is the right word, but it is forcing them to be cognizant of the problem that they have had?

Mr. Abell. Yes, sir.

Mr. Smith. And they are moving toward compliance?

Mr. ABELL. Yes, sir.

Mr. Smith. That is all I have.

PORTLAND, OREGON CLANDESTINE DRUG LABS PROJECT

Mr. Mollohan. What is the status of the \$510,000 provided in fiscal year 1989 for attacking clandestine drug labs in Portland, Oregon?

Mr. Abell. The application was received yesterday, so it is being

reviewed.

Mr. Mollohan. What is the time frame?

Mr. Abell. I would estimate in 30 days or less that would be completed.

Mr. Mollohan. That is pretty good turnaround time.

Mr. ABELL. Actually, we have had pretty good turnaround time particularly in the case of drug formula grants, where the law required us to have them turned around in 45 days and we had them turned around in 35.

Mr. Mollohan. Thank you very much. I will look forward to following up with you on automation grants. Thank you very much

for appearing.

[The following questions were submitted to be answered for the

record:]

OUESTIONS SUBMITTED BY CONGRESSMAN MOLLOHAN

OFFICE OF JUSTICE PROGRAMS

Anti-Drug Abuse Grants

QUESTION: I understand that President Bush's \$150 million budget amendment for Anti-Drug Abuse grants will specify certain amounts for both demand and supply reduction initiatives. Would you explain the proposal?

ANSWER: Subsequent to the hearing the President submitted a budget amendment on March 10, 1989 requesting \$150 million for State and local drug grants (H. Doc. 101-36). As you are aware, this program is broken down into two main segments. Formula grants comprise 80 percent of the total appropriation, and the remaining 20 percent is discretionary. In the discretionary program, at least 30 percent of available funds will be directed to demand reduction programs. We will work with the States and encourage them to put at least 30 percent of their 1990 formula grants into demand reduction programs. However, under the law, the States will make the final determination of what percent of their funds will be devoted to the demand reduction area.

Crime Victims Fund

QUESTION: I understand that you have revised your estimates for FY 1989 collections into the Crime Victims Fund. What are your latest estimates?

ANSWER: We expect deposits to total \$125 million in 1989.

QUESTION: If collections do exceed \$125 million, by law you must transfer up to \$2.2 million to the Judicial Branch in order to fund an automated collection system. This system, once operational, should greatly improve collections. Would it be possible to expedite transfer of the \$2.2 million to the courts in order to allow them to begin as soon as possible?

ANSWER: There is a ceiling on the amount that can be deposited into the Fund, and that ceiling is \$125 million in 1989, 1990, and 1991. Although actual collections could exceed the amount of the ceiling, the amount in excess of the ceiling would not be deposited into the Fund first and then transferred. After the \$125 million is deposited, the next \$2.2 million above the ceiling would go directly to the judicial branch and the balance will be deposited into the Treasury general fund. The process could only be expedited by speedier collection of the fines, fees and penalties that go into the Fund.

QUESTION: Can you provide the Committee the total estimated fines and forfeitures you estimate will be collected in FY 1989?

ANSWER: Collections this year may exceed \$250 million. This increase in collections is anticipated as a result of the large criminal fines that have recently been publicized.

Public Safety Officers' Benefits

QUESTION: The Department has submitted a supplemental request of \$2,900,000 for Public Safety Officers Benefits (PSOB). Why are these additional funds required?

ANSWER: An increase in PSOB, from \$50,000 to \$100,000, was contained in the Anti-Drug Abuse Act of 1988, along with a provision that increased the payment annually by an amount equal to the rise in the cost of living index. In addition, the dependency requirement for parents was dropped and the \$100,000 benefit payment was made retroactive to June 1, 1988, rather than beginning on October 1988. The combined effect of these new provisions results in a need for additional resources.

QUESTION: Based on your obligations to date for these payments, do you still believe you will require the full amount of the request?

ANSWER: Yes, we expect to need the full amount requested. Our current pending caseload is higher than that experienced in recent years, and we are expecting an increase in the number of approved claims this year.

QUESTION: Are there other Justice Assistance programs, excluding Mariel Cuban grants, which may not require their full appropriation and which may be a source of funds for PSOB?

ANSWER: No, there are not. The Mariel Cuban program provides a dollar for dollar outlay rate of budget authority. To attain a reduction of outlays in our other programs requires a large decrease in budget authority.

QUESTION: Are you confident that the \$25 million requested for PSOB in FY 1990 is sufficient to fully fund the authorized benefits?

ANSWER: Yes, the amount requested is expected to be sufficient.

Regional Information Sharing System

QUESTION: Last year the Administration recommended elimination of the Regional Information Sharing System (RISS), but this action was later revised by Attorney General Meese. You again propose to eliminate RISS in FY 1990. Does Attorney General Thornburgh plan an eleventhhour reprieve?

ANSWER: There are currently no plans to amend the proposal to terminate RISS funding.

QUESTION: Is it not true that RISS is a program of national scope since it spans regional boundaries?

ANSWER: There are six regional networks that span the entire country. Each RISS project covers a specific region of the country and each of them is composed of multi-State, multi-jurisdictional member agencies, but the regional networks operate independently of one another.

QUESTION: Does RISS perform an important service in the war on drugs?

ANSWER: Yes, it is a tool for State and local law enforcement agencies in identifying individuals involved in drug crimes in other jurisdictions. However, given the scarce resources available for the Department, there are simply not enough dollars to fund every worthwhile program.

QUESTION: The conference report on your FY 1989 Appropriations Act directs that \$500,000 be provided through LEVITICUS to investigate and prosecute gold-mining fraud cases. What is the status of this project?

ANSWER: The grant was awarded by the Bureau of Justice Assistance in March 1989. The precious metals (Goldbrick) element is contained in the application and will be implemented in conjunction with the LEVITICUS project. The new grant provides \$1.175 million to LEVITICUS and will support the project for the period March 1, 1989 through February 28, 1990.

Juvenile Justice

QUESTION: The Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is now authorized to waive termination of funds to States not in compliance with the Act. Of the States not in compliance are there any plans to terminate funding and, if so, why?

ANSWER: The waiver authority applies to compliance with the Jail Removal Mandate <u>ONLY</u>. The Regulation to implement the waiver provision has been drafted and is currently under internal review. Once approved, it will be published in the Federal Register for public comment for 30 days. Until the Regulation is published in final, the number of States requiring waiver will not be known.

QUESTION: The conference report for your FY 1989 Appropriations Act directed that funding be continued for the National Council of Juvenile and Family Court Judges (NCJFCJ), and the Court-Appointed Special Advocate (CASA) programs. What funding is provided these programs for FY 1988 and 1989?

ANSWER: In FY 1988, NCJFCJ received a total of \$2,482,486 from four separate grants (approximately \$400,000 was for new FY 1988 programs). In FY 1989, OJJDP plans to

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continue these same four grants, providing the applications receive favorable peer review recommendations, for a total of \$1,944,749. In FY 1988, CASA received \$499,995, and in FY 1989, CASA was awarded a grant in the amount of \$499,985.

QUESTION: I would like to ask your opinion on the effectiveness of the national Law-Related Education (LRE) program? Do you believe the program should be further expanded?

ANSWER: An independent evaluation of the LRE program that was concluded approximately eight years ago, revealed that teaching about law and the governmental processes could improve students' attitudes, help reduce delinquent behavior, and improve citizenship skills.

Currently, forty States are participating in the national project institutionalizing LRE in their States. Approximately eighteen national organizations and associations have lent their support to the program. Since May of 1984, more than 580 school districts have established LRE programs; over 1,059 public/private/ partnership conferences, training of trainers, and in-service workshops have been conducted for 43,947 teachers, lawyers, judges, law enforcement and other resource persons, and 1,942,210 students have been taught.

Over the past ten years, \$20,000,000 in OJJDP funds have been spent on LRE. These funds have paid for both development of the curriculum and training of teachers. OJJDP has demonstrated that it is a valuable and marketable resource. LRE could be continued through the purchase of service agreements between State and local school systems and the principal LRE organization, rather than through continued funding by OJJDP. I believe it is now time to target these scarce Federal resources to other urgently needed programs and projects.

Bureau of Justice Statistics

QUESTION: The Bureau of Justice Statistics (BJS) requests an increase of \$1.1 million in order to fund a Jail Census and Survey and a National Crime Survey. Why are these surveys required?

ANSWER: Of the \$1.1 million, \$606,000 is requested for the 1990 Jail Census and Survey of Jail Inmates and \$476,000 is requested for implementation of the Redesign of the National Crime Survey.

The 1990 Quinquennial Nationwide Survey of Jail Inmates is the fourth in this BJS series and represents the only national level data on jail inmates and facilities. It has been collected at consecutive five-year intervals since 1972. Local jails house an average daily population of 290,300 inmates and account for 17 million admissions and releases each year. Sixty percent of the average

daily population of Federal detainees are housed in local jails. A sample of 6,000 inmates is statistically representative of sentenced and unsentenced inmates housed in more than 3,000 jails throughout the country. Most important, inmates provide information on their criminal histories and drug and alcohol use patterns, as well as the demographic and socioeconomic characteristics of the inmates. This survey is the only source of data on inmate substance abuse linked to adult and juvenile offenses.

The National Crime Survey (NCS), the largest BJS series, is the Nation's principal source of information on crime victimization and the victims of crime; it is the second largest survey (in sample size) that is conducted by the Federal Government (the largest is the unemployment survey). The victimization survey is unique in that it not only measures crime reported to the police, but it affords an accurate measure of "unreported" crime as well. Under the NCS program, interviews are conducted with 101,000 persons in 49,000 households in order to obtain data on the impact, frequency and consequences of criminal victimization in the United States. The annual cost of this data collection and analysis is nearly \$8 million. Due to its importance as a national indicator of crime, a redesign was initiated following recommendations by the National Academy of Sciences in 1977. This redesign has now been completed and the recommended changes have received the approval of a wide variety of university scholars, practitioners, and policymakers. This redesign cost more than \$4 million. Some of the recommendations have been implemented on a limited basis and have proved efficacious. In 1990, BJS is requesting a nonrecurring enhancement of \$476,000 that will be added to the BJS base to fund the final phases of this implementation. It is obvious that the funding being requested represents only a relatively small part of the annual costs of operating the NCS program.

The redesigned survey will more fully measure the number of crimes of which Americans may be victims, including rapes, family violence, and crimes against the household, with vandalism being measured for the first time. It will also provide information concerning the experiences and reactions of victims to their contacts with police, prosecutors, and other officials of the criminal justice system. New or expanded questions are designed to help victims remember crimes they may have forgotten and encourage them to talk about sensitive crimes. Data of this nature have repeatedly been requested by policymakers including Congressional staff, criminal justice professionals, victims advocates and support groups, and the Attorney General's Family Violence Task Force.

QUESTION: BJS performs statistical surveys and analyses every year, some on an annual basis. Is it necessary to repeat some surveys every year, or could some be done on a periodic basis, which would free up funds to perform the 1990 surveys?

ANSWER: BJS maintains approximately twenty-six statistical series on crime and the operation of the criminal justice system at all levels of government. Of these, only nine -- NCS Data Collection; National Prisoner Statistics; Uniform Parole Reports; National Probation Reports; Federal Transaction Statistics; State Transaction Statistics; Capital Punishment; Expenditure and Employment; and Justice Agency Survey -- are conducted on an annual basis; the others are conducted less frequently, but on a statistically sound time basis. For those conducted annually, BJS is convinced of the importance of tracking year-to-year change and sustaining trend data. The majority of the non-annual periodic surveys are collected on a rotation basis using funds from the BJS base. Some of these series are quite large and require funds that exceed those that can be made available from the BJS base. Rather than requesting a significant increase in the BJS base to permit funding of all twenty-six of these data series, we believe it is a more economical and prudent course to request funding for these larger series only during those years in which major funding is required.

QUESTION: For the record, provide a list of census/ surveys performed in FY 1988 and 1989 and their related costs.

ANSWER: A list is provided of the major census/surveys that BJS has performed or will perform in 1988 and 1989 and their related costs. It should be noted that some of the costs of the surveys may include carryover funds from the prior fiscal year.

	1988	1989
CENSUS/SURVEY TITLE	ACTUAL	ESTIMATE
National Crime Survey \$	7,530,800	\$8,186,000
National Prisoner Statistics (includes Cap. Punishment survey)	637,600	640,000
Criminal Justice Expenditure & Employment	148,100	1,043,000
Criminal Justice Agency Survey	100,100	102,000
Uniform Parole Reports & National Probation Reports	346,400	345,000
Local Jail Census	187,600	220,000
Judicial Statistics	270,900	525,000
Juvenile Inmate Survey	298,200	•••
Law Enforcement and Administrative Statistics	188,500	65,000

CENSUS/SURVEY TITLE State Court Statistics	1988 <u>ACTUAL</u> 197,931	1989 <u>ESTIMATE</u>
Prosecution of Felony Arrests	473,275	600,000
Sentencing Local Jurisdictions	401,275	361,266
Felony Sentencing	294,478	441,200
Federal Transaction Statistics (two-year cost provided in 1988)	1,111,962	•••
State Transaction Statistics	153,801	265,Ŏ00

QUESTION: What would be the impact if BJS was directed to perform these two surveys from within the funding levels provided last year?

ANSWER: In 1990, BJS would be unable to both maintain the essential continuity and integrity of all of its ongoing statistical series and also perform these two projects within the FY 1989 funding level. Accordingly, shortfalls in funding would have to be satisfied in 1990 through the reduction or elimination of financial support to the State Statistical Analysis Centers that have been historically funded by BJS in more than 40 States and territories.

As indicated in an earlier response, the Quinquennial Survey of Jail Inmates is the only survey which is to be conducted with the requested increase and only partial funding is being requested in 1990. It is not possible for BJS to fund all of the costs of the Quinquennial Survey of Jail Inmates from the BJS base. It is expected that this survey alone will cost more than \$1,300,000, of which only \$606,000 is being requested from the Congress.

The remaining \$476,000 of the \$1.1 million increase is being requested to implement recommended changes in the ongoing National Crime Survey (NCS). Funding is not being requested to conduct the existing annual National Crime Survey, but is needed in order to make some very important changes in the way the survey is actually administered. If the funds are not provided, BJS will have no choice but to postpone this project. The money already spent on the redesign of the National Crime Survey represents possibly the most thorough examination of a major Federal survey ever undertaken. It has been praised for its thoroughness and for the innovative features of its research program. Implementation of some of the recommended changes has already begun. It is important that the remainder of the redesign package not have to be postponed, so that the full potential of the NCS can be attained as expeditiously as possible. In February 1989, BJS issued a publication titled "Redesign of the National Crime Survey", which examines the evolution of the NCS and explains the redesign project. The document has been provided the Subcommittee under separate cover.

National Institute of Justice

QUESTION: The Congress provided the Mational Institute of Justice (NIJ) \$21 million for FY 1989. The conferees directed NIJ to expand their efforts in FY 1989 on research on a field prototype of a less-than-lethal weapon. What actions has MIJ taken in FY 1989?

ANSWER: Shortly after the Conference Report was approved and issued, the Institute opened negotiations with the Department of Army's Chemical Research, Development, and Engineering Center to continue testing of promising chemical compounds. To date, however, no funds have been obligated. An agreement with the Army to conduct a partial test this year for \$250,000 is expected to be signed in the near future. Also, the Institute is negotiating with the University of Utah Medical School to conduct a test for \$250,000 on another very promising compound which has a reaction time of 1 1/2 seconds. The Institute now believes that rather than investing \$500,000 in one full test of one compound, that spending the same amount of money to proceed with partial testing of two compounds — one of which was unknown last year—provides a greater chance of finding something that works.

QUESTION: You request an increase of \$2 million to design, develop and test an effective less-than-lethal weapon. What will these funds be used for? Please describe the type of weapon being considered?

ANSWER: The less-than-lethal weapon that NIJ is proposing to develop would utilize a safe chemical anesthetic, if one can be found. The \$2 million in 1990 would be used to continue testing of chemical compounds, develop the manufacturing process for the most promising of the compounds, and initiate development of the anesthetic delivery system.

QUESTION: The conferees also directed NIJ to conduct an Issues and Practices study on hate crimes. What is the status of this study?

ANSWER: NIJ recently funded a proposal submitted by the State University of New York at Albany and the Police Foundation to examine hate or bias crime victimization in New York City and Baltimore County. Both of these jurisdiction's police departments have bias crime units. New York City's includes anti-gay violence, Baltimore County's does not. The project will take approximately 18 months to complete and will provide new data for subsequent "Issues and Practices" report.

In addition, the Institute is the major contributor to the National Academy of Sciences' new study on understanding and controlling violence. At NIJ's request, the study will include a review and analysis of the research literature pertaining to hate violence.

WEDNESDAY, MARCH 1, 1989.

UNITED STATES PAROLE COMMISSION

WITNESSES

BENJAMIN F. BAER, CHAIRMAN

ELIZABETH A. CLARK, EXECUTIVE OFFICER

LINDA WINES MARBLE, DIRECTOR, CASE OPERATIONS AND PROGRAM DEVELOPMENT

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Introduction

Mr. EARLY. The committee will come to order.

Continuing with our review of the Department of Justice, we will now hear testimony from the United States Parole Commission. The Commission requests \$10,335,000 in Fiscal Year 1990. We will insert in the record at this point the Commission's Fiscal Year 1990 budget justifications.

[The justification materials follow:]

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Department of Justice U.S. Parole Counission

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Estimates for Fiscal Year 1990

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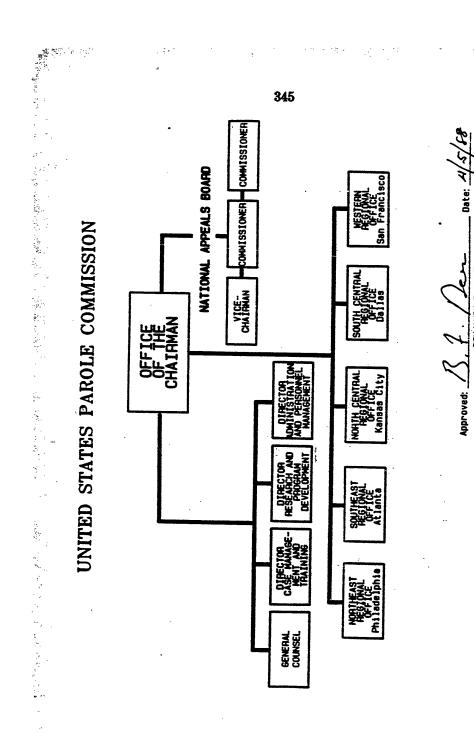
Summary of Program and Performance.

Financial Analysis - Program Changes.

Detail of Permanent Positions by Category.

Justification of Adjustments to Base.

Summary of Requirements by Grade and Object Class.



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Salaries and expenses

Summary Statement

Fiscal Year 1990

The United States Parole Commission is requesting, for 1990, a total of \$10,335,000, 131 permanent positions and 126 workyears. This represents a net decrease of \$558,000, 30 positions and 30 workyears from the 1989 appropriation enacted.

The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, administrative May 14, 1976) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent, decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

National parole policy is reviewed by formal Commission deliberation at least quarterly. This continual study and review is designed to monitor and refine parole practices throughout the Federal system.

On a cooperative basis, the Commission uses the services of the staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the nation. The staff prepares classification summaries, progress reports and other reports concerning parole applicants.

Field supervision of released prisoners is provided by U.S. Probation Officers who are employed by the U.S. Probation Service in the Administrative Office of the U.S. Courts. According to statute, they function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releasees are prepared by these officers and submitted to the Commission.

As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-473), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result of this, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1985, an extension for the sentencing guidelines was enacted. These guidelines want into effect on November 1, 1987 resulting in a decrease in the Parole Commission's workload. The abolishment of the Commission is expected to occur by the end of 1992.

U.S. Parole Commission

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Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; Department of Justice Appropriation Act, 1989, additional authorized legislation to be proposed.) for necessary expenses for the United States Parole Commission, as authorized by law, [\$10,893,000]Ai

Explanation of changes

No substantive changes proposed.

Crosswalk of 1989 Changes

The Crosswalk of 1989 Changes exhibit is omitted because the Congress enacted the 1989 President's budget request and no other substantive adjustments are proposed.

Perm.	191	.:	::	::	::		Increas	
U.S. Farole Commission U.S. Farole Commission Salaries and expenses Summary of Requirements (Dollars in thousands) Perm.	partments to base: partment of Justice Appropriation Act, 1989					Full-field investigations Interestigations in the first in mandatory increases	1989 Appropriation 1990 Base 1990 Estimate Incress	Perm. Perm. Perm. Perm. Perm. Perm. Pos. by Amount Pos.
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	istments to base: partment of Justice Appropriation Act, 19(19) 189 as enacted from other accounts:	1 Operations Service Transfer.	year pay increase impact on 1999 efits	ing reimbursable services lecommunications System (FTS)	ng costsicing level adjustment	investigationsandatory increases	1988 as Enacted	
	istments to base: partment of Just 89 as enacted	Financial Operatindatory increases:	1969 rull- Health ben	GSA recurr Federal Te	GPO printi General pr	Full-field Total, m base		mates by hidget

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Full-time permanent.
Other. Estimates by budget activity U.S. Parole Commission

Salaries and expenses: 15-1061-0-1-751 Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

Activity	1989	Approp Enact	riation	1	89 066	e)		1990	Estia	ate	Incr	ease/D	ecrease
Parole	Pos. 161:	¥¥ 126	Pos. WY Amount 161 156 \$10,893	·	erm. 65:	≥10	Perm. Pos. MY Amount 161 156 \$11,205	Perm Pos.	782	Pos. WY Amount 131 126 \$10,335	Pos.	≩R	Perm. Pos. WY Amount -30 -30 -8870

<u>Long-Range Goal</u>: To make decisions relative to grants and denials of parole, conditions of parole, supervision of parolees and mandatory releasees, recommital in event of violation of conditions of supervision and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976. Long-Range Goal:

Major Objectives: To establish, with the aid of statistical data, a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction,

To make fair decisions regarding the grant or denial of parole which are fair to the prisoners and which adequately protect the public Welfare, within specific time requirements for decisions established by law.

To provide forceful supervision for released parolees and mandatory releasees to enhance community protection and the rehabilitation of such released offenders.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

Base Program Description: The Parole Commission and Reorganization Act provides for nine Commissioners, who appointed by the President with the advice and consent of the Senate. One Commissioner is designated as Chairman. Each of the five Regional Offices of the Commission is Examiner supervision of a Commissioner and three Commissioners comprise the National Appeals Board in Chevy Chase, Maryland. Hearing Examiners working out of the Regional Offices, interview prisoners is lighble for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all federal prisons on a bi-monthly schedule. Examiners also conduct revocation hearings at state and local facilities, as required. Summaries of the hearings are recorded, then transcribed and sent to the Regional Office for the initial review and decision of a Commissioner.

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An appeal system is in effect to permit review of parole decisions. Decisions on appeal at the National Appeals Board must be completed within 60 days.

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Professional level personnel in the area offices coordinate the work with the Federal Prison System Institutions and the Probation Officers attached to each United States District Court.

An ongoing research program is conducted in areas related to parole. Information and guidance is provided to State Parole Boards, criminal justice agencies and others interested in improving the criminal justice process.

Research projects include:

- 1. Development of methods for increasing hearing panel reliability in guideline assessments.
- 2. Refinement of the offense severity and salient factor scales used by the Commission.
- Continuation and refinement of a parole Decision Recording and Monitoring System for automated data processing of offender information and office automation. e;
- 4. Conducting an evaluation of parole supervision practices.

The Administration and Personnel Management section has the responsibility to:

- Oversee and develop plans, operating procedures, and standards of conduct, strengthen and improve all budget, accounting and fiscal
 activities of the Commission;
- Develop and recommend internal policies and procedures concerning the full range of other administrative services provided by the Department of Justice, Justice Management Division (e.g., personnel, records management, procurement, travel, security, property and emergency preparedness, etc.);
- Responsible for overseeing the implementation of a files Maintenance and Records Disposition Program in accordance with OBD 2710.3A.
 Directs the Commission's Central mail, messenger and distribution activities;
- Serve as liaison with Justice Management Division, other Federal and non-Federal agencies on matters relating to the functions of the
- Develop administrative goals and objectives within the framework of approved policies. Review and evaluate administrative program effectiveness agency-wide by conducting annual Management Reviews of all Commission Regional Offices.

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The General Counsel's Office advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorneys' Offices in defending the Commission against lawsuits brought by prisoners and paroless. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1975. The Counsel's Office responds directly to requests submitted under the Freedom of Information Act. Finally, the General Counsel staff has responsibility for analyzing applications for exemption from probibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted.

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ð The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases the development of treaties and implementing legislation for the exchange of prisoners with other countries. The Commission's Case Management and Training Section gives functional supervision to Regional Hearing Examiners and Analysts. It provides quality control of case decisions, coordinates the training program, and develops procedures to implement Commission policy including a comprehensive manual.

Accomplishments and Workload:

- A total 44,208 individual decisions regarding the grant, denial or reduction of parole, as recuired by statute, were made during 1988.
- 2. A total 5,300 National Appeals Board considerations were made during 1988 as required by statute.
- Supervision was provided to 18,000 parolees, special parolees and mandatory releasees from October 1, 1987 to September 30, 1988.
 - 4. Development of methods for increasing hearing panel reliability in guideline assessments.
- 5. Refinement of the offense severity and salient factor score scales used by the Commission.
- the Parole Decision Recording and Monitoring System which automates many manual, paper-oriented processes and to provide current parole statistics of codefendants. Refinement of
- . Conducting an evaluation of parole supervision practices.

The workload of the Parole Commission is presented in the following table:

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tes 1990	5,000 14,000	325 325 2,175	2,800	3,000 135 120	3,255
1989	11,200 20,200	2,175 2,175	2,800 37,900	4,000 180 160	4,340
1988	13,776 22,942	2,486 2,486	3,208 44,208	4,975 185. 140	5,300
1987	13,070 21,942	348 2,171	2,812 41,544	4,605 183 134	4,922
Hoaving.	- ~	d. Local Revocation	g. Statutory Review	Appeal Decisions: a. National	Total

*Includes Pre-Hearing Reviews for Initial Hearings, Pre-Release Reviews and Revocation Hearings.

**Includes Dispositional Hearings.

Increase/Decrease Perm.	Pos. WY Amount -30 -30 -30 -5870
1990 Estimate Perm.	Pos. MY Amount 131 126 \$10,335
1990 Base Perm.	Pos. WY Amount 161 156 \$11,205
Program Changes:	Parole

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A net decrease of \$870,000, 30 positions and 30 workyears is requested due to the anticipated decrease in the number of hearings as a direct result of the enactment of the Sentencing Commission Guidelines which took effect on November 1, 1987. This decrease in personnel and related costs is a continuation of the Parole Commission's phase-down, which is expected to be completed by the end of 1992.

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U.S. Parole Commission

Salaries and expenses

Financial Analysis - Program Changes (Dollars in thousands)

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	Decrease	Decreased Workload	Agreeme	Agreements with Burnau of Prisons	Total	[e+
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				•		•
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Total workvears and nersonnel commensation	ę	000			;	
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Desire Deliver Library Construction of the Con	:	-121	:	•	:	-121
Series, communications, and utilities	:	9-	:	:		9
Finding and reproduction	:	ဇှ	•			Ş
Uther services	:	8-	:	2500		35
Supplies and materials	•	-20	•			2,5
Total program workveare and obligations						F12-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
changes requested, 1990	-30	-1.070	į	.002		0,0
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U.S. Parole Commission Salaries and expenses Salaries and expenses
U.S. Parole Commission Salaries and expenses
Detail of Permanent Positions by Category Fiscal Vears 1988 - 1990 1989 1988 1990 1989
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Amount

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Justification of Adjustment (Dollars in thousands)

U.S. Parole Commission Salaries and expenses A transfer of \$64,000 from funds appropriated to the General Administration appropriation for financial services, is provided to all users of the Financial Operations Service (FOS) of the Justice Management Division. The amount transferred is based on estimated usage and will cover the cost of services performed by the FOS. Beginning in 1990, the FOS functions which include accounting, voucher processing, financial reports, etc. will be transferred to the Morking Capital Fund and expenses will be charged to each user organization.

Mandatory increases:

1. 1969 Full-year pay increase impact on 1990....

This request provides for the full-year pay increase of 4.1 percent as contained in the Treasury, Postal Service, and General Government Appropriation Act, 1989, General Provisions, title VI, (P.L. 100-440), for civilian and military personnel to be effective January 1, 1989. The Department will required to absorb the total pay raise in 1989. The requested increase of \$99,000 is the amount required for full-year funding in 1990.

Health Benefits....... ~;

The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975, Effective for the first pay period after January 1, 1888, the actual contribution to health insurance increased 29 percent. In addition, OPH has indicated that it anticipates an increase of at least 15 percent by 1990 due to paddition increases. The requested increase of \$52,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the minimum 15 percent increase predicted by 0PM.

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	3. GSA Recurring relabursable services
	Reimbursable payments are made to GSA for heating, ventilation and air conditioning provided in excess of normal working hours and for guard services. An estimated increase of \$1,000 in fees for thèse services in 1990 over the 1989 charges of \$1,000 is required.
	4. Federal Telecommunications System (FTS)
	In 1986, the General Services Administration authorized a 16 percent increase in Federal Enteriff Telecommunications System (FTS) Intercity costs. This increase was mainly due to unanticipated tariff increases. GSA cost estimates for 1990 have continued to Climb beyond initial estimates. For 1990, this request includes a 20 percent increase in FTS costs. This increase does not reflect additional use of FTS. The actual increase over the 1989 base availability is 22 percent. An increase of \$150,000 is requested.
	5. GPO printing costs
	The Government Printing Office (GPO) is currently projecting a 4 percent increase over the 1989 printing costs of \$39,000. An additional \$2,000 will be required in 1990.
. 6	General pricing level adjustments
	This request applies the pricing this are sof June 23, 1988, to selected expense categories. The increased costs identified result from applying a factor of 2.1 percent against those subobject classes where the prices that the Government pays are established through the market system instead of Jaw or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990 estimates.
	Full-field investigations
	The Office of Personnel Management (OPM) has notified users of an average 11.5 percent increase in the standard rate charged for various types of full-field investigations. An increase of \$5,000 will be required in 1990.
	Total mandatory increases
	Total, adjustments to base

	· ,	Summary of R	U.S. Parole Salaries Regulrements (Dollars in	U.S. Parole Commission Salaries and expenses Summary of Requirements by Grade and (Gollars in thousands)	Object Class	y Vj			
Grades and Salar 65-18, 75,500 65/6H-15, \$57,15	/ Ranges 3-74,303	1988 Actual Positions & Morkyears	Amount	1989 Estimate Positions & Morkyears 9	Amount	1990 Estimal Positions & Workyears 9	Amount	Increase/Decrease Positions & Morkyears Am	Amount
6S/GH-14, \$48,59 6S/GH-13, \$41,12 6S-12, \$34,580-4 6S-11, \$28,862-3 6S-10, \$26,262-3	63,172 1-53,460 1,957 1,510 1,36	ဆို မာ ကို မာ မ		, , , , ,		gezr-e		77:::	
65-9, \$21,90-31,001,001,001,001,001,001,001,001,001,0	8,070 8,070 5,343 0,463 8,280		,	. 2 4 EEE				24 :21	* *
GS-3, \$12,531-1 Total, appropr Pay above stated	6.293	179	\$6,361 45	191	\$5,626	131	\$4,760	e ::	985-
Savings due to lower part of the year	ower pay scales for arr	156	-27	144	-59 5,031	į	4,321	<u> </u>	
Other than permanent: Part-time permanent Temporary employmen	• • •	→ 62	12 24	2	24	→ 04	22	•	
Other part-time and intermi employment Other bersonnel compensations	e and intermittent compensation:	6	652	a	99	6	98	•	-
Overtime Other compensation. Special personal se	tional services payments	• • • •	22.9	:::	೩೩೫		222		.
iotal, workyears compensation Average GS/GM salary.	kyears and personnel	168	6,285	156	5,805	126	5,095	30	-710

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class (Dollars in thousands)

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Ordert Clace	1988 Actual Morkyears	Amount	1989 Estimate Workyears	. 1	1990 Estimate Workyears	١,	Increase/Decrease Morkyears Amo	rease
11.3 Other than full-time permanent	129 129 129	55,539 688 40 18	144	\$5,031 716 40 18	114	54,321 716 40 18	e : : :	
Total, workyears and personnel compensation	. 168	6,285	156	5,805	126	5,095	8-	-710
12 Personnel benefits		1,026 20 763 235		990 20 213 713		25 25 25 25 25 25 25 25 25 25 25 25 25 2	·	ထို ဆက
23.1 GSA rent. 23.3 Communications, utilities and miscellaneous charges. 24 Printing and reproduction.		874 860 160		920 183	-			. 1 4 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
	`	1,092 105 85		1,138 198 139		1,391		-14
Total obligations		11,505		10,893	-	10,335	,	-558
Relation of obligations to outlays: Obligated balance, start-of-year Obligated balance, end-of-year		1,980 -3,168 10,317		3,168 -1,969 12,092	. :	1,969 -1,447 10,857	, ~	-

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Mr. EARLY. The committee is pleased to welcome again, the Chairman of the Parole Commission, Mr. Benjamin F. Baer, Mr. Baer, you may proceed with your statement.

OPENING STATEMENT

Mr. BAER. Mr. Chairman and members of the committee, I'm

pleased to have the opportunity to appear before you in support of the 1990 budget request for the United States Parole Commission.

The 1990 budget request is for \$10,335,000, 131 permanent positions and 126 workyears. This represents a net decrease of \$558,000, 30 positions and 30 workyears from the 1989 appropriation enacted.

The decrease in funding is necessitated as a direct result of the enactment of the Comprehensive Crime Control Act of 1984 and the implementation of the Sentencing Commission guidelines, which went into effect on November 1, 1987. And, as you know, Mr. Chairman, the Supreme Court recently upheld the constitutionality of that Act.

The Parole Commission's workload has already begun to diminish and will continue to do so. Therefore, a reduction in funding is

being sought as a result of the decrease in the workload.

This concludes my statement, Mr. Chairman. I appreciate the opportunity to present the Parole Commission's budget request to the subcommittee. I will be happy to answer any questions you may have.

NEW BUDGET PROJECTIONS

Mr. Early. Mr. Baer, we're delighted to have you here. At least I'm delighted to have you here. You are in a thankless role. The Parole Commission isn't an area that you get any praise. I think the Willie Horton incident in the last election probably set us back for a long time.

Now that the constitutionality of the new sentencing guidelines has been affirmed, do you anticipate any significant changes in

workload that you did not account for in the request before us?

Mr. BAER. Yes, sir, Mr. Chairman. There were three specific occurrences that we didn't know about last when we appeared before OMB. One, the Anti-Drug Abuse Act of 1988, had a provision pertaining to new authority given to the Commission over transfer treaty case prisoners. In that law there was a section which gave the Parole Commission the responsibility for conducting what are in effect sentencing hearings, using the Sentencing Commission guidelines. This procedure is much more formal than we ordinarily have. The prisoners appeal will actually go to a circuit judge. So there will be some, not a large number, approximate ly 130 hearings next year we will need to conduct, but they'll be quite complicated.

Secondly, we lost a longstanding suit, a nationwide class action suit, referred to as the Cosgrove case, in which the Parole Commission has to rehear the cases of a large number of D.C. prisoners who are in the Federal Bureau of Prisons facilities. That will mean about an additional 1,000 hearings during the 1990 Fiscal

Year.

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And finally, as a result of the Supreme Court decision, and the fact that prior to that decision, a number of judges who thought the law was unconstitutional, committed persons under the old law, making them parole elgible. Specifically, they committed these new law defendants under the old law procedures. Now, the Department has concluded that if those people do not appeal, then the old law parole eligible sentence will stand. And so we have to hear those cases. Some of them have long term sentences which will require us to conduct hearings. There will be an additional 900 to 1,000 hearings that we didn't know about last summer.

Mr. EARLY. Well, with those comments, your request projects some significant workload reductions, a 33 percent cut in hearings and a 25 percent decrease in appeals. Do you believe you're being a little conservative in estimating your staffing reductions, which in this budget equates to only an 18 percent reduction?

Mr. BAER. Mr. Chairman, since you asked, if we had known these things last summer, we probably would have asked for a reduction

of about 25 positions instead of 30.

Mr. EARLY. Well, why don't you elaborate on that for the record. I see judges from all over the country, Mr. Chairman, and they're saying, at least, in my State in three particular places, they say, tell the sheriff to reduce the size of the population in the prison. At the same time, if you ask any of those judges, to pick the prisoners we're going to let out, or which prisoners are the ones that you put in there, they'd all say, gee, don't let any of the ones that I put in there out. I mean, they're not practical at all. We're not making the tough decisions in parole that I think we have to make, Mr.

[The information follows:]

U.S. PAROLE COMMISSION

The Commission was unable to account for three new requirements that have oc-

curred. They are as follows:

The Anti-Drug Abuse Act of 1988 gave the Commission new authority over transfer treaty case prisoners. It is projected that over the next year at least 180 prisoners will be transferred under the provisions of the treaty;

In January of this year the Commission lost a nationwide class action suit in the case of Cosgrove vs. Thornburg. As a result, the Commission must rehear all D.C. prisoners confined in federal institutions using D.C. Guidelines. It is estimated this will result in an additional 1,000 hearings during FY 1990; and

Finally, the Commission will have a greater workload than expected during FY 1990 because of a Department of Justice decision, as a result of the Supreme Court decision upholding the constitutionally of the Sentencing Guidelines. A number of courts had ruled the Guidelines unconstitutional and sentenced the offenders under the old law. The Department has decided that if they do not appeal the case, and the prisoner does not appeal the case, the sentence as given by the court will stand. Of the approximately 900-1,000 cases, the Government has appealed only 80.

OMB REQUEST

Mr. EARLY. What was your budget request to OMB?

Mr. BAER. The request was 126 workyears, \$10,747,000, 131——

Mr. Early. Ten million, what?

Mr. BAER. Ten million, seven hundred and forty-seven thousand, and 131 positions.

Mr. Early. They made reductions. Do you know how they arrived at the four hundred plus?

Mr. BAER. Those were all in the mandatory increases mainly in

pay and rent.

Mr. EARLY. Well, did they tell you, don't give any pay increase, or did they tell you, don't pay the rent?

Mr. BAER. No, sir.

ADDITIONAL WORKLOAD

Mr. Early. I mean, we're playing games with these budgets in OMB.

Have there been any changes in the law or in the Commission's circumstances since the submission of your budget request to OMB, which was only three or four months ago?

Mr. BAER. Yes, the three things that I mentioned, Mr. Chairman. Mr. EARLY. Well, those are all going to expand your responsibil-

Mr. Baer. Those were changes that either a lawsuit or a change in the law will require us to conduct additional hearings. As I was saying, if we would have known that, our budget proposal would

have been dropping about 25 positions instead of 80.

Mr. EARLY. How can you make that happen, Mr. Baer, with the reduction in your budget, and then by judicial action, you're supposed to have an increase in the number of hearings. I mean, are you just going to rubber stamp them? Are you going to make a decision before you hear the evidence?

Mr. BAER. No, sir. We do not do any rubber stamping, Mr. Chairman. Our examiners conduct a very thorough and hopefully, a fair

hearing.

Mr. EARLY. I'm not looking to put people that shouldn't be out on the street, out on the street. But I'm looking for solutions and the company won't make and the those are tough choices which the Congress won't make, and the

OMB won't make.

Under the sentencing guidelines all cases released by the Parole Commission, and under the Commission's jurisdiction, will be transferred to the courts for supervision. Now, I hear from the judges who come in here and tell us that we keep giving them more and more responsibility, and more programs and less money. I think its true when they say that. But if that's going to happen, we're going to transfer it to the courts for supervision. In addition the new law provides for supervised release, which will also be handled by the courts.

COURTS WORKLOAD INCREASE

In your opinion, will the courts be able to handle the additional workload?

Mr. BAER. Well, Mr. Chairman, I'm not responsible for the budget request for the courts or judiciary, but like you, Mr. Chairman, I talk to a number of judges around the country, and I can tell you that a lot of the judges don't know-

Mr. Early. I know you're not responsible. I want to know your professional opinion. You've been in this business a long time—

Mr. BAER. Yes, sir.

Mr. EARLY [continuing]. How would you suggest it be handled?

Mr. BAER. I was leading up to that.

The answer I was saying was that a number of judges don't know they're going to have this additional responsibility. For 59 years when a prisoner left prison, he has been supervise by an Executive Branch agency. The Parole Board, before the Parole Commission, had jurisdiction of all those cases, although the actual supervision

is carried out by a United States Probation officer.

Under this new law Congress passed in 1984, since it abolished the Parole Commission, it had to give the supervision to somebody, so it dropped it on the courts. So there will be approximately 8,000 revocation hearings a year. We had 2,850 last year. Now a number of those hearings were held in the prisons because there was either a new conviction, or the parolee admitted the violation in the preliminary interview. So it's appropriate to send them back to the prison for the hearing. Under this new law, that won't happen. You're going to have about 3,000 additional hearings that have to be held in a court.

Mr. Early. And then we'll have to pay to transfer them back

Mr. BAER. If you're asking me will they have to be held until that hearing, the answer is yes, so I suppose it's additional workload for the marshal.

Mr. EARLY. I would assume so. I mean, we're not going to put

them on a bus and send them by themselves, are we?

Mr. BAER. So, the question of whether the courts can handle that, I mean, perhaps it's not appropriate for me to answer it, but you asked me the question.

Mr. Early. You're darn right I asked you the question.

You say you don't think-

Mr. BAER. In my opinion the Parole Commission could conduct

these hearings much more cost-effectively.

Mr. Early. I don't know how the judges can supervise the personnel, from the testimony they've given us. They come in here stating that we keep giving them more and more responsibility and no more monies. The vaccination compensation program is one example. Is this tempting them to sort of run over the probation department?

Mr. BAER. Well, the probation service is one element in the

whole judiciary.

Mr. EARLY. They're going to be responsible for supervising them.

What's going to happen when we have a Willie Horton, are we going to hold the judge responsible?

Mr. BAER. Well, I guess it depends on the circumstances of why

"Willie Horton is out there."

Mr. EARLY. After your testimory today, we're going to hear testimony from the Bureau of Prisons. They're going to paint a picture that it's a little better situation than it is. I mean, in the real world we don't have the facilities to house these people.

COMMUNITY TREATMENT CENTERS

Tell me, are you familiar with the Community Treatment Centers?

Mr. BAER. The half-way houses?

Mr. Early. Yes, the half-way houses. I don't know which half it is, as far as us putting people into them. I mean there is no supervision, in those half-way houses, in this member's opinion. Would you comment on that?

Mr. BAER. Well, all I can say is they're under a private contrac-

tor. I can give you an opinion that-

Mr. EARLY. The private contract is to make money isn't it? I mean, the person that's involved in that isn't really for-not that they're bad people, but they're not really for implementing our-

Mr. BAER. From my own personal observation, there's quite a range in the quality of the services.

I can express an opinion since you asked me. I don't think the Bureau has enough resources to monitor those 300-plus contract facilities that are out there.

ELECTRONIC MONITORING PROJECT

Mr. EARLY. So, all the people, the Administration and the Congress, think that we've got a program that works, and it doesn't work. I, as you know, recently, visited the new electronic monitoring program that you're trying to implement.

Mr. BAER. Yes, sir.

Mr. EARLY. And I was very surprised by the people under that system. They all told me they would not participate in just house arrest, 100 percent house arrest at all. They said that would be disastrous. The public perceives that that would be easy living.

I mean, I ask anyone to lock themselves in their house with their wives and their kids and try to stay there for several months.

Mr. BAER. It might be cruel and inhuman punishment.

Mr. Early. It absolutely would be. [Laughter.]

Mr. EARLY. But it's an alternative I really think we have to look at, Mr. Baer. Yesterday I read the Attorney General's statement over and over, and you know what we're going to do on this? We're going to end up studying it for the seven hundred and twelfth time.

You 've been in the business a long time, Mr. Baer, and I've

never heard anyone say you were easy.

Mr. BAER. Well, Mr. Chairman, in reference to what you're really asking about, we've had a pilot project in the Southern District of Florida and in the Central District of California, the Los Angeles area for over a year now. And we've learned a lot about electronic monitoring. I think the Bureau has learned a lot about it. The probation office is carrying it out, and they have benefited from it. There were some bugs in the technology, but I think that it is very useful and cost-effective, and actually provides better public protection. This is my opinion, and Mr. Quinlan may or may not agree with me—but it really provides better public protection than the way a lot of the half-way houses operate.

Mr. Early. Most of the half-way houses, wouldn't you say?

Mr. BAER. At least some of them.

Mr. EARLY. Most of them. You say some, I want to say a big some or a small some.

Mr. Baer. But under the electronic monitoring where the person is home except when he's working then we, the Government, know where he is.

BUDGET REDUCTION

Mr. EARLY. And I'll tell you why I was impressed with it, Chairman Baer. The people you had on electronic monitoring, and there weren't many, but they weren't the easy cases. They're the tough cases. They're drug cases. They were home—I visited a half dozen unexpectedly, and I wasn't comfortable with it. They were drug cases. And I'm sure some of them were users. Their recidivism rate is probably going to be high. And I see nothing in the testimony from the Attorney General, or in anything I've read from you or from the Bureau of Prisons that really addresses that the Federal population is shifting from non-drug prisoners—and I'll ask Mr. Quinlan that when he comes up, what the non-drug related prison population was a few years back. I've heard numbers that our prison population is going to be 70 percent drug connected in a matter of a few years. That's going to make it harder.

For you to come in here suggesting a reduction in the budget is

not saving money, in this member's opinion. It's really not being responsible, and it's not being honest.

Mr. BAER. Well, you know, Mr. Chairman, the requested budget reduction reflects the fact that Congress has abolished the United States Parole Commission as of November, 1992.

Mr. EARLY. In our system, majority rules. I don't agree with that change. I think it was a mistake. I think the mandatory sentence

was a mistake.

I asked the Attorney General yesterday, when the Parole Commission goes out of business in 1992, what's going to happen. His response was, well, there will be another one. I mean, some parole commission is going to sit there and that was an honest answer. I think he'd have to retract it if the media pressed him on it, but I don't know why we're abolishing it. I mean, I see the role of the Parole Commission getting bigger, and bigger, and bigger, and we're reducing it. It would be something else if the Parole Commission had been ineffective, and didn't have, so-to-speak, a track record. I just can't understand this.

Mr. BAER. I think this project could be expanded if we had the resources. The problem is that the people that have to do that supervision are over in the judicial branch. So, if you really wanted to expand it, then you, the Appropriations Committee, should put some money in that budget earmarked for that specific purpose. The Bureau and we, and the Probation staff, could work it out.

Mr. EARLY. I, for one, am going to advocate that. In previous testimony, you and Mr. Carlson, and Mr. Quinlan of the Bureau of Prison, have always suggested to this committee that people going out on the street are going to be as good as the parole department. I agree with that, but it isn't going to be a question of not getting the best people and keeping the best people. With a unique type of problem, as far as more prisoners are going to be non-English speaking, we're going to have to have some bilingual parole officers.

If there's an area that we could spend money to save money, it would be to beef up the Parole Commission, in my opinion, right now, and to implement the electronic monitoring system and a couple of other systems that would really be tough decisions for everybody.
Mr. BAER. We'd be very happy to work with you on that, Mr.

Chairman.

Mr. EARLY. Well, you have until 1992. I've got two elections

before that. [Laughter.]

Do you have any idea what it would cost to expand that electronic monitoring program?
Mr. BAER. Well——

Mr. EARLY. Why don't you provide it for the record? Mr. BAER. Yes, sir.

Mr. Early. And the type of expansion that could cover several hundred or even a thousand people.

Mr. BAER. We'd be very happy to do that.

[The information follows:]

ELECTRONIC MONITORING PROGRAM

The Electronic Monitoring Program can provide a better transition between confinement and freedom in the community than does a Community Treatment Center Program, and at much lower cost, without jeopardizing public protection. Under this program, selected, non-dangerous offenders who do not need the services of a Community Treatment Center can be released directly to the community instead of a halfway house, ordinarily up to 6 months prior to the previously scheduled release date. The offenders will abide by a curfew monitored through electronic surveillance. Participants are restricted to their home, except for the purpose of employment or other necessary activities such a participation in drug counseling or church services which must be given prior approval by the supervising officer.

If given the opportunity, I would propose an expansiion of the existing Electronic Monitoring Projects in Miami and Los Angeles.

Although eventually, I would like to have similar Electronic Monitoring Programs in all 94 Judicial districts, the Probation Service maintains that it is not practical to expand this program to all 94 districts at one time. Therefore, I would propose an expanded, but more limited program initially—approximately 10 to 12 districts.

We could have approximately 2,000 releases per year in Electronic Monitoring Programs at an annual cost of approximately \$5.7 million, as compared to the Community Treatment Center Cost of approximately \$11 million per year. The Electronic Monitoring Program can provide a better transition between con-

PUBLIC PROTECTION UNDER ELECTRONIC MONITORING

Mr. EARLY. In your opinion, would people be more secure under electronic monitoring or under the half-way houses that we lease now?

Mr. BAER. Well, as the private operated ones have been operating, many of them for the last two years, compared to the electronic monitoring and the close controls it provides, yes, I think there would be better public protection, and I think we could do it with

Mr. Early. You took a long time to say that, Chairman Baer. You sound like one of us. The answer to the question is then, in your opinion, that the people would be better protected, even though there would be some things that wouldn't go perfectly, under electronic monitoring than they are under some of the current release programs? Mr. BAER. Yes, sir.

Mr. Early. Because the perception—I mean, if we try to implement some of these things such as house arrest and others there will be demagoguery that will try to suggest we're trying to be easier. I think we're being a lot harder. With the electronic monitoring, we know where the individual is all the time, because he had to be in the house to send out the signal. He had to wear the bracelet around his leg, and he could not tamper with.

Mr. BAER. I agree with that. I think we have to stress that it's better public protection, and it isn't easy. It's not soft on the of-

fender.

Mr. Early. No, it's not. It's a lot harder.

One final question. Every one of the inmates that I visited said that they would much prefer to be in the community half-way house. Every single one of them, not one exception, said that they really didn't know what they were doing when they got into the electronic monitoring program, that there would be much less supervision under the halfway house program—do you agree with that?

Mr. BAER. I think because they have more freedom. Yes, I agree. Mr. EARLY. Mr. Chairman, I want to thank you for your testimony. I really want your Board Members to know, at least from this member, I think the Parole Commission, in my 14 years, has been excellent. Every case you get involved in, if you don't let prisoners out you can't make any trouble. But if you make a decision to let them out, you're addressing some of the problems that we have, and you're being responsible in that you're suggesting that we're putting out the least serious offenders we have.

Mr. BAER. Thank you, Mr. Chairman.

THURSDAY, MARCH 2, 1989.

GENERAL LEGAL ACTIVITIES APPROPRIATION

WITNESSES

- HAROLD G. CHRISTENSEN, DEPUTY ATTORNEY GENERAL
- JAMES I.K. KNAPP, ACTING ASSISTANT ATTORNEY GENERAL, TAX DIVISION
- EDWARD S.G. DENNIS, JR., ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
- STUART E. SCHIFFER, DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION
- DONALD A. CARR, ACTING ASSISTANT ATTORNEY GENERAL, LAND AND NATURAL RESOURCES DIVISION
- JAMES P. TURNER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION
- RICHARD C. STEINER, CHIEF, INTERPOL-US NATIONAL CENTRAL BUREAU LAWRENCE J. SISKIND, SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES
- MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER
- STEPHEN R. COLGATE, DEPUTY ASSISTANT ATTORNEY GENERAL, INFOR-MATION AND ADMINISTRATIVE SERVICES
- ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF
- ROBERT K. BRATT, DIRECTOR, OFFICE OF REDRESS ADMINISTATION, CIVIL RIGHTS DIVISION

1990 REQUEST

Mr. Early. The Committee will come to order. Continuing with our review of the Department of Justice, we will now hear testimony concerning the General Legal Activities Appropriation and the new Civil Liberty Public Education Fund. General legal activities request \$295,289,000 in fiscal year 1990, and the Department requests \$20 million for the fund. We will insert in the record, at this point, the fiscal year 1990 budget justifications for these accounts. [The fiscal year 1990 budget justifications follow:]

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Salaries and expenses, Canaral Legal Activities

SUMMARY STATEMENT

Piecel Year 1990

--- niviney vesses is requesting a total of 3,417 persenent positions, 3,205 full-time equivalent (718) vorkyears and 8593,289,000 for the General Legal Activities appropriation in 1990. This represents an increase of \$48,393,00, 188 persenent positions and 134 vorkyears over the anticipated 1989 lavel. The anhancements requested in 1990 reflect the Department's continuing concern vith increasing its prosecutive success in the fight against crime, presenting the public's increase in its fight against crime, presenting the public's increase in its Index Market government, responding to the vorticed desands of recent legislation, and achieving improved management of Departmental resources.

The General Legal Activities appropriation supports the Aktorney General through the satablishment of litigative policy, the conduct of litigation and the performance of other legal responsibilities. The organisations, their major functions and essociated resource requirements are summarized below.

<u>Conduct of Suprems Court proceedings and ceview of appellate matters.</u> This settivity which funds the Office of the Solicitor General, is responsible for the conduct and supervision of all aspects of government litigation in the U.S. Suprems Court and the approval of all federal appellate actions brought by the United States. The Department is requesting a base level funding for this activity in 1990.

GENETAL LAK MALIATE. The Tax Division is responsible for representation of the United States in both civil litigation and oriminal prosecutions existing out of violations of the internal revenue statutes. In 1990, the Department is requesting program enhancements of 39 postitions and \$1,309,000 that will allow the Division to Leprove its productivity and pursua more effectively its litigation goals. Expanding vorkload in suits involving debt sollection, financial institution failures and internal Revenue Service enforcement osses necessitate additional resources. An increase of 10 positions and \$394,000 will be devoted to the major case initiative of the Division, placing additional resources on cases with dollar amounts of \$10 million to \$130 million in potential tax revenues. To enhance the Division's effectiveness in collecting debts owed to the Testary, 4 positions and \$132,000 is requested. Expending workload in civil ititation and appeals will require an additional 13 positions and \$129,000. As the Department pursues implementation of office automation improvements in the litigating division and the U.S. Attorneys' Offices through Project Eagle, resources will be meaded for system analgement. In the Tax Division, \$234,000 and \$ positions will address this need. CLIBILAL MALIGIE. The supervision and/or conduct of presecutions of offenses artaing under most federal orizinal laws are conducted by this activity. Criminal Division program enhancements of 5 positions and \$248,000 are requested for 1990. To address the expending vorkload in the seaso of Grosten articulations and mutual legal assistance treations and \$110,000 till be medded. In order that four regional Obscontty Unit offices may be reaffed in 1990, 2 position and \$110,000 is requested. These positions will permit the Division to many committees any be reaffed in 1990, 2 position and \$110,000 is requested. These positions will permit the Division to many committees the division to many constitutions of the programment for co-counsel in litigation, head up Pederal/State task forces and support obscently investigations conducted by other Federal

Claims, customs and stores civil masses. This activity has responsibility for the littlestion of civil cases initiated by and brought against the United States of its officers. For 1900, chancements teaching 17 positions and 89,535,000 are requested for the Civil Division. To adequately support the United States in the courteom, the Department is requesting 89,289,000 to support the Civil Division. As automated littlestion support (ALS) progress. Given the site and complessity of the carsload handled by the Division, ALS is necessary to the successful conduct of the Covernment's most important civil littlestion. A total of 53,266,000 in personnel costs for the requested 81 positions will be necessary to address the appending the appropriate civil competcial, immigration and appoints littlestion areas. Legislation recently enabled by Congress providing for tough new netificated, immigration reform and the Massonal Childhood Vaccine Compensation System has appended the Division's progress responsibilities algalificantly.

place. An additional 37 positions and \$1,345,000 will be directed to complex criminal environmental trials, federal facilities cases, and basardous vasta cases. In order to support litigation in Indian claims, the National Porest Management Act and Mational Environmental Polloy Act cases, 6 positions and \$488,000 will be needed for the Division's general litigation program. requesting progrem increases of 49 positions and \$7,311,000 in its appropriated resources for 1990. Included in this amount is \$4,730,000 for evocated littletion upport in the Division, 6 additional positions and included a support in the Division, 6 additional positions and \$10,000 are required in the security of \$400,000 in included to allow development and implementation of an integrated once anneased system. These resources will enable the Division to integrate the three automated systems that are currently in emploration and development of minarals and energy resources from federal lands, the control of poliution and hasardous veste, the conservation of vestands and vidilite, and the general protection of the physical environment. The Land and Matural Resources Division is tend. netural resources, and indian matters. This activity conducts littisation of civil and criminal matters relating to areas such as the

L<u>eash Octobors.</u> This scrivity is responsible for serving as legal advisor to the President, the Attorney Ceneral and Executive agencies and for review of proposed Executive Orders and proclamations of the President as to form and legality. Also reviewed are proposed orders of the Attorney Ceneral, and legality and the Office of Legal Counsel is requesting an additions! 4 positions and #110,000 to handle a growing backles of unprocessed matters and continue publication of its opinions:

within the Department, monitoring certain civil rights decress by order of federal courts, and assisting Federal, state and local agencies in responding to and complying with federal civil rights laws are all responsibilities of this activity. The Civil Rights Division is proposing an additional 43 positions and \$991,000 to implement the provisions of the Civil Liberties Ace of 1988 (bublic Law 100-188). Filed I of this Act requires the Attorney Control to American to Assistant World where the Attorney Control to American Assistant who were deprived of property and liberty and interract in camps during World War II. Riigible individuals are entitled to a one time redress payment of \$30,000 to come from a special fund established in CIVIL Fight, matters. Criminal and civil anforesant of federal civil rights lave, coordination of civil rights investigations and matters the U.S. Treasury for this purpose.

providing efficient communications for law-enforcement programs between this country, other international Griminal Police Organisation (INTERDO), manker countries, and the INTERDO, haddparters. INTERDO, USBGD is requisites progressed to positions and \$870,000 for 1890. The requested increase will allow for replacement and upgrading of reincommunications systems and equipment, reduction of backlogs in case processing, increased use and issuance of international Warted Motices and the establishment of a compilance unit to raview cases <u>USMCE_IMIERPOL</u>. The United States Mational Central Bureau of the International Criminal Police Organization (IMTRPOL) is responsible for luring the investigation process,

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Legal Activities Office Automation. In 1990, the Department is requesting a program increase of \$3,686,000 for its effort to provide offices automation shancements in the legal divisions and U.S. Attornays offices. This increase will emable the Department's litigating components to increase sificients annatement and improve the productivity of their litigating efforts. With this enhancement, the litigating components will be able to replace outdated equipment and provide access to a veriety of information system applications under a veriety of information system applications under a second intigation support, attornay idealegang and edeminatements appears. In 1990, the Department appears to continue implementation of the EAGLE system in the fax and Criminal Divisions and U.S. Attornays, and to fully implement the AMICUS system within the Lands and Civil Rights Divisions. <u>Special counted for distribulation</u>. This activity is responsible for the investigation of charges of discrimination filed by private individuals or by other on their bhalf, Under the provisions of the Immigration Reform Control Act of 1986 (IRCA), the Special Counsel for Immigration Provisions of the Immigration as a result of discrimination based on national origin or citizanthy status ensured by the implementation of IRCA. The Office of the Special Counsel was opened in 1987, and it is apposted that an enhancement of 1 positions, 2 workyears and \$90,000 will be necessary in 1990 to allow the office to handle its anticipated

Minassant Savina. The program enhancements requested for this appropriation will be offset by savings emounting to 30 positions, 30 vorbysers and \$262,000. These savings will accuse as a result of implementation of contracts for certain services currently being performed by P Federal supplyaes. The anticipated savings are in the Crisinal Division (it positions and workysers, and \$121,000), Civil Division (3 positions and workysers, and \$30,000), Land and Mitters Resources Division (12 positions and workysers, and \$30,000), the Civil Rights
Division (one position and workyser, and \$9,000), and USKCB-INTERPOL (\$1,000).

Seast Activisias

Ralacies and sprences. General brest Activities

Justifiteeting of Propered Chapter in Appropriation Language

the 1998 budget estimates include proposed shanges in appropriation languige listed and oxplained below. New language is undereseed and deleased matter to enalosed in breakers.

Selector and expanses, General Losal derivities

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	A transfer of 10 positions, 18 workyears and \$1,400,000 is previded to the ODE appropriation in accordance with Section 1053 of the Anti-Drug Abuse Act of 1986. Beginning with the 1990 budget, the Atterney General is required to submit a caparite appropriation request relating to all federal agencies participating in the OCDE Task Porces from which the Attorney General will make reimbursements to the involved agencies as necessary.			
ň	-	7	7	7
	To facilitate the consolidation of all erminal fine collection responsibility vithin the Executive Office for United States Atterneys, the Criminal Division resources devoted to eriminal debt collection vill be transfered to the U.S. Atterneys eppropriation.			
÷	fransfer to Gameral Administration apprepriation for Bational security and emergency properadness	7	7	•
	A transfer of one position, one workyaar and \$80,000 is provided to the Ocearal Administration appropriation, from the Constant Light Activities appropriation. The Department will relieve the Criminal Division of reasonabilities in this area and task the Justice Management Division and the Resignosy Planning Ocean with all Mational security and segregatory preparedness planning activities.			
÷	fransfer from Ganeral Administration appropriation for financial operations service	:	:	=
•	A transfer of \$889,000 from funds appropriated to the General Administration appropriation for financial services, is provided to all users of the Pinancial Operations Services (705) of the Juncies Management Division. The amount transferred is based on attanted usage and will cover the oceas of services parfermed by the 705. Bazinning in 1990, the 705 functions which include accounting, vyucher presenting, financial reports, arc. will be transferred to the Working Capital Fund and expenses will be charged back to each user organization.			

13

				į	XAAEA	
3	Adjustment in personent positions and werbyeats			2	3	
	The obsorption of pay and other cost increases in 1989 would not allow support for approved position and workyaar levels, necessitating ons-time reductions. Restoration of 19 positions and 37 workyaars is requested for 1990.	allov suppor Resteration	rt for approved 1 of 19 positions			
7	Handatert Josephese:					
ä	Annualisation of the Anti-Drug Abuse Act of 1986			:	•	
	This provides for the ammulisation of 19 positions, 11 verbysars and \$1,000,000 provided in the Anti-Drug Abuse Act of 1988. These resources were approved for the Grisinal Division.	the Criminal	.000 provided in the Division.			
	Approved	,	Annual teat ton Resulted			
	te of 19 approved positions		177			
	Lees Lepse (30%) Mat. John Mat. 764 Mat	35	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
	set te annualisation	35	311,000			
~	Annualisation of Civil Liberties Act supplemental			:	=	
	This provides for the annualization of 25 positions, 15 workyears and 42,100,000 included in 1989 supplemental request for administrative appeares associated with implementation of the Civil Liberties Act of 1988. These resources are provided to the Civil Rights Division.	vich implement Civil Right	.000 included in a intation of the to Division.			
	Aproved 1985 Jeanne	rano	Annual tention Regulated			
	e of approved positions	000	\$387,000			
	Associated employee benefits Associated employee benefits fetal costs subject to ennualization 524,600	• ei o	484,000			
÷	1989 Pull-year pay Increase impact on 1990	:		÷	33	
	This request provides for the full-year pay increase of 4.1 percent as contained in the freezinty, P. Atal Services and General Coverment appropriation set, 1969, General Provisions, Title VI, N. 4.75, Ger civiling and military personnel to be effective January 1, 1969. The Opercent Vill be required to absorb the ceal pay raise in 1980. The requested increase of	ent as conteint, 1989, Gar ffactive Jan 9. The requi	ined in the neral Previsions, usry 1, 1989. The sated increase of			

* .

		Perm.	Vork-	Assunt
÷	Special Salary Rates	÷	÷	•
	This request provides increases as authorised by law in 3 U.S.C. 5303. The Office of Personal Anagement has approved these rates for those positions where recruiting and retention of quelified applicants is a problem. The Department's request represents coverage of 30 special rates.			
÷	Hithin-grade increases	:	:	•
	This request provides for the expected increase in the cast of within-grade increases. This increase is based on a dynamic model of actual Department requirements.			
÷	Bealth Benefite	:	:	1,210
	The Federal Employes Health Benefite Act (P.1. 91-246) provided that the Government's share of health insurance void be 40 percent of the tetal trace commenting in 1935. Efficiety for the first pay period after Janusy? 1, 1986, the actual contribution to health insurance increased by percent. In addition, to Mahs indicated that it antiquous an increase of at least 13 percent by 1990 due to present mechanisms. The requested increase of #1,210,000 provides funds for actual increase construction of the percent by percent by percent increase interested for a full year plus into minumal 19 percent increase intitially predicted by OPH for 1999. The setual everses			
~	08A Rent	:	:	2,900
	08A VIII continue to charge rental rates that approximate those sharged to commercial tenants forequivalant to puse and seasond services. A mandatory increase of \$2,909,000 is required to meet our complement to GAA.			
÷	OSA recurring reimbursable services	:	:	91
	Residence by payments are made to OBA for hearing, ventilation and air conditioning provided in eastern of conditioning provided in eastern of eastern for the conditioning bursant increase of eastern of eastern of the conditioning for the conditioning and conditioning and conditioning provided in 1900 over the 1989 charges of \$2,447,000 is required.			
÷	Federal Talacommunication System (PIS)	:	:	630
	In 1986, the OSA authorized a 16 hour percent increase in 778 intercity costs. This increases and the annity due to unnticipated stiff increases. ON A cost stiffacts for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a twenty-percent increase in 778 costs. The actual increases over the 1989 base evaluability is 24 percent. An increase of 655,000 is requested.			

		7 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	Work-	Anount
.01	Telephone Service	:	÷	1,516
	The Department is coplacing an obsolete, ineffective, and expansive Centrar telephone system with a cates-C-the-art, high-performance, and core affective digital telephone system in the Wabington area. Cours for leased Centrar lines and their associated traiff trees have steadily increased since 1979. The current systems provides the hoperteens with little control over telecommunications cours. After five years, the Department will now this modern telephone system and it will similate the index of the Department's communication capabilities and will provide the amagement to line and each of control and administ potential varies and abunch telephone systems. However, it will also require a substantial increase in the per-line rate to cover thinks operating appearance for the first five part. Spread five part, only administration of cover will be required. It is astimated that the line rate will be increased five \$23.25 per month to \$45.55 per month in 1990. The cont to this appropriation is \$1,516,000.			
	OPO printing costs	:	;	;
	The Government Printing Office (GPO) is currently projecting a 4 percent increase over the 1989 Printing costs An additional \$46,000 will be required in 1990.			
13.	Esployee data and payroll services	i	:	81
	Contralised amployee date and payrell services are provided to all Departmental organisations accopt the Redwal Bursau of Investigation. Charges for these services, which include information streams an antennee of payroll and seconduling, are based on the number of supplyse records maintained. The area of \$17.35 per record in 1980 will be raised to \$18.31 per record in 1980. The shange is based on an anticipated uncontrollable cost increas of \$ precent for 1890. The operation of the Justice Raployee Date Service. An increase of \$37,000 will be required in 1890.			
ż	Poreign allowances	:	÷	:
	Allowances for Government employees in foreign areas are determined by the Department of State. The State Objectment of State Objectment anticipates a 10 percent increase in 1990. An increase of \$48,000 is required in 1990.			
:	Distributed Administrative Support	:	:	•
	Under the Poreign Affairs Administrative Support agreement an annual charge is made by the Department of Stare (100) for administrative support items. The assount of this thange is determined by the 700; the 700 administration is naticipated and the services previously provided vithout core vill be billed for in 1990. An increase of \$6.000 is required in 1990. An			ţ.

, 91

\$1.50 \$2.50 \$2.50

		Perm. Pag.	Work- Yeara	Assunt
3	15. General pricing level adjustments	÷	:	2,171
4331145	This request applies ONB priodum guidance as of Movember 17, 1988, to selected expense the content of the conte			
2	16. Pull-fleid investigations	÷	÷	196
ŧ : :	The Office of Personnel Management (OPM) has notified users of an average 11.5 percent incresse in the standard rase charged for valious types of full-field investigations. An incresse of \$196,000vill be required in 1990.			
17. 50	Security Rainvestigations	:	:	**1
£	The security relevantlation program has been receiving videspread attention due to the inoresass to applicate, who had been working in their jobs for a number of years, were discovered to be involved in various scittities that were discovered to be involved in various scittities that were discovered to be followed. Personnal Management: "Federal Parsonnal integration to be reliveritiested, at a minimal, Chapter 73s requires incumbents of certain positions to be reliveritiested, at a minimal, wery five years. By 1990, the Department till require 7,309 employees to be reliveritiested in each of the most five years to address the easiting bobolog. Required resources vill provide for only 2,300 cases per year. An increase of \$149,000 vill be required in 1990.			
ö	Office automation system maintenace	:	:	1,556
4 5 6 2 6	The requested amount will cover the operation and maintenance cost for ANICUS II in the land and the requested Resources and CUIT Right Divisions, the Office of Land and Counsal, and the Office of Experiences and CUIT Right provided through the Lagal Activities Office attention Provided through the Lagal Activities Office Automation Office Instruction Spanish One of Systems at Cuity installed and purchases, operationned maintenance costs are included in the organization's budget.			

Parket.

		Pera. Zeż.	Work- Yeals	Amount
9. Increas	Increase in telecommunications charges	:	:	5
The Tra- fees to (USMCB) interfa- for the vill ch	The Treasury Enforcement Communications System (TECS) has changed its method of assessing user fees to a "per terminal" basis. This has increased the United Stears Skitchond Control Bureau (USEOD) assessment from 84,72 to 641,693 in 1990, an increase of \$43,967. The U.S./Chandian interface is accomplished through USE, and because the volume of messages vould make its cost for the USEOD probletive, the Department's Computer Technology and Taincommunications Staff vill charge the USEOD staff OND per year; the cost of a leased line, in addition to the charges			
10. Annuall	Annualisation of 1989 leases	:	:	9,22,6
The amo automat	The amount provided in this increase will allow full year funding of leases for office automation systemsfor Departments management offices and litigating components.			
Total	Total mandetory increases	:	\$	26,829
Degreessa.	Initial. Horsemerine conta for office automation leases	:	:	-3,649
	the implementation of the AMICUS II office automation system in the Civil Rights and Land and Matural Resources Divisions will be complicted in 1989.			
2. Monrecui	Monrecurring costs of Drug Bill resources	:	:	
Tot.	Total decembes	:	:	-3,697
ř	forst, adjustments to base.	7	99	22,097

Salaries and expenses, General Legal Activities Samary of Requirements by Grade and Object Class (Dollars in thousands)

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	1986 Actual		1989 Estimate		1990 Request		Increase/Decrease	16180
Grades and salary ranges	Positions 6 Workyears	Asount	Positions & Workyears		Positions & Forkyears	~ '	Positions & Workyears	Amount
Exacutive Level III, \$82,500	~		~		~		•	
Executive Level IV, \$80,700	٠		٠		•		•	
ES-6, \$40,700	~		~		~		•	
R3-5, \$78,600	•		•		€		•	
	3		3		2		•	
	•		•		•		•	
	2		2		2		•	
Es-1, \$68,700	٠		٠		•			
GS/GH-15, 857,158 - 874,303	7		348		765		6	
GS/GH-14, \$48,592 - \$63,172	1		387		404		2	
GS/GH-13, \$41,121 - \$53,460	344		350		:		3	
GS-12, \$34,580 - \$44,957	198		204		314		2	
68-11, \$28,852 - \$37,510	706		21.7		742		52	
G\$-10, \$26,261 - \$34,136	•		•		•		•	
63-9, \$23,646 - \$31,001	164		164		186		77	
GS-8, \$21,590 - \$28,070	3		3		762		3	
7	426		4 39		629		2	
7	202		205		209		-	
\$15,738 - 8	123		129	•	91		=	
\$14,067 - 1	9		3		3		-	
\$12,531 - 8	22		32		78		3	
•	-		-		•		3	
Total, appropriated nositions								
	3,172	\$121,259	3,223	\$131,896	1,193	\$145,337	170	\$13,441
Pay above stated appual rate	۰	455	•		•	۰	۰	
Labras	(431)	(13, 278)	3	(12,695)	(33)	(14,079)	(161)	(1,384)
for part of the year	•	(539)	•	(1,342)	•	•	•	1,342
Met full-time permanent	2,741	107,897	3,906	117,859	3,060	131,258	•	13,399

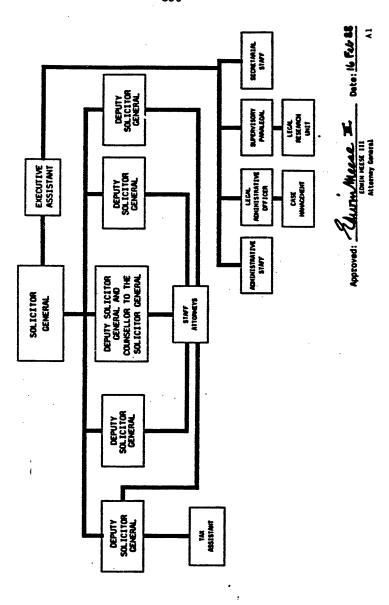
Other than persenant: Part-ties persenant: Teaporary employment. Other part-ties and intermittent employment.	** "	1,704	7 9 7	1,862	76 7	1,685	•• •	£ 6	
Other personal compensation: Oretime Other compensation	22 0	1,264 680	97 0	1,326	0 15	1,316	•• •	451 242 4	
Total, vorkyears and personnel compensation	3,131	124, 325 3,051	1,051	124,381	3,205	138,352	154	11,971	
Average Es Salary. Average 05/08 Salary. Average 05/08 Cade		867,938 836,888 11.02		\$74,976 \$40,666 11.00	ì	\$75,720 \$41,008 11.00			

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fairies and Expanses, General Legal Activities
Semanty of Departments by Grade and Object Class
(Bollies in thousand)

	1988 Actual		1969 Katinate	:	1990 Request	*	Increase/Decrease	CF6886
Object Class	Workyears	Asous	Fortyears	Asoust	Vorkyears	Amount	Vorkyears	Asount
II Personal compensation: III Personal position: III Personal position: III Solver personal compensation: III Special personal services personal:	£	12,173 12,173 1,944 2,111	2,5 105 0	8117.659 3,665 1,065	3,060 105 0	2, 10 97, 1 91, 1 91, 1 91, 1	4000	
Total	2,962	124, 325	1,051	124, 381	3,208	137,462	767	13,081
Other objects:								
12 Personnel benefits		18,955		20,606		13,767		2,161
1) benefits for forser personsel		2		2		2		•
22 Transportation of thinse		1,197		9,248		10,578		1,330
23.1 Rental paraents to Galancestering		25,128		24,353		28.995		642
23.2 Rental payments to others		3		•		•		•
All Commencerions, staining and				•		***		•
24 Printing and reproduction.	•	724		13.		22.65		
_		19.5		17.				2
		2.531		2.267		2,151		2
		3, 365		4,659		6,65		1,999
32 Lands and structures		2		•		•		•
es crants, ambendies and Contributions	•	•		3 2		90		••
fotal obligations	2,962	239,010	1,051	246.894	3,205	295,209	ž	48,395
		į				:		•
Mecovery of writer vest obligations				(2.117)	ŧ,	(Z, E)		0 0
Unobligated balance, end-of-year				2,017		2,017		•
······································		1,470		•		•		•
fotal requirements		243,209		246, 194		295,289		48,395
Relation of obligations to outlayer								
Total obligations		39,818		246,894		295, 249		66,39
Obligated balance, end-of-year		(12, 990)		(31,330)		(15, 961)		(4, 627)
Adjustments in expired accounts		(1,278)		۰		۰		•
adjustments in unexpired accounts		630		•		•		•
Outleys		251,702		228,550		290,662		62,112
				4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		*******		



OFFICE OF THE SOLICITOR GENERAL

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Office of the Solicitor General

Salaries and expenses, General Legal Activities

Sumary of Requirements (Mollars in thousands)

(SANDSWING III GIBTIA)	Porte	Horte:	
Adjustments to base:	[8]	years	Amount
1989 as enacted	611	54	\$4,181
Transfers from the General Administration appropriation for Financial Operations Service	:	÷	12
1990 Mandatory increases: 1989 Pull-year pay increase impact on 1990	:	:	120
	:	:	22
	:	:	12
	:	:	8
Pederal Telecommunications System (FTS)	:	:	2
Telephone service	:	:	£.
dPO printing costs	:	:	8
Employee data and payroll services	:	:	}
General pricing level adjustment	:	:	97
	:	:	m
Security reinvestigations Total Mandatory increases 1990 base	: : :	:[라	4, 1835 2

	1988	9	acted	198	8 Act	ual	19	Page	cted	ī	Pa Ba	98	1990	Estima	te	Increa	se/heer	ease
Estimates by budget activity	Pe a	뒼	Perm. Pe Pos. WY Amt. Po	P 38	š	S. WY Amt. Pos	g g	Š	Pos. WY Amt. F	S S	š	Amt.	[8]	Pos. WY Amt. Pos. WY Amt.	at.	Pos.	Pos. WY Amount	Amount
1. Corduct of Supreme Court proceedings and review of appellate matters	Q.	₹.	49 54 \$4°161 49 51 \$4°160 49 54 \$4°181 49 54 \$4°485 49 54 \$4°485	64	51.5	u, 160	67	54	\$4,181	64	5 4	4,485	64	54 \$4,	485	:	:	:
Other Workyears Hollday	• •	~			2		·	.~			:~			ام:			::	
Total workyears		26			53			26			8		•	1 2			:	Λ2

Amount

뎈:

Increase/Decrease

Office of the Solicitor General

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary

(Pollars in thousands)

Imate	WY Ame	in the
90 Fst1	2 <u>1</u>	zation
19	Perm. Perm. WY Am. 84,4H5 46 54 84	ryment liti
		ts of gove
1990 Rase	51 71	dl aspec
	Perm.	duct of a
cted	Pos. WY Amount ug. 54 84,181	in the con
1989 Ena	NYY 54	ssible
-	Per Per	88 00
Activity: Conduct of Supreme Court proceedings and review of appellate matters	Pederal appellate activity	ionz-Panze Goal: To be as effective as possible in the conduct of all aspects of government litization in the
Cond proce of ag	appe]]	Coal
Activity:	. Pederal	Long-Range

the appellate courts and the U.S. Long-Range Goal: Supreme Court.

Major Objectives:

To adequately represent the interests of the U.S. Government in cases before the Supreme Court.

To review appellate cases to determine their sultability for appeal to the U.S. Supreme Court or to a lower Pederal Appellate Court.

To meet all filling dates of cases before the U.S. Supreme Court.

Base Program Description: The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States.

The Office of the Soliottor General is the Government's foremost legal office. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Soliottor General." As stated in 28 C.P.R. 0.20, the general functions of the Office are as follows: (1) conducting, or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certionari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the Government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the Issuance of extraordinary write); (3) determining whether a brief amicus curise in the Government will intervene, in any appellate court; (4) assisting the Attorney General, the Deputy Attorney General and the Associate Attorney General in the development of broad Department program policy. **A**3

Accompilaiments and Workload: Recent accompilaiments and workload of the Office of the Solicitor General are presented as follows:

Fatimates

which the Office has argued that: (1) the Outer Continental Shelf lands Act does not prevent a state from including income earned from the sale of outer continental shelf gas in its apportionment formula for calculating in state taxable income (Shell Oil Co. v. lowa Department of Revenue); and (2) an employee of the National Security Agency who fails to maintain a required clearance for access to classified information may be removed "for cause" under the civil service laws (Garlucci v. Doe).

Cases heard and to be heard during the 1988 Term of the Supreme Court in which the Solicitor General has filed a brief include those in which the Office has argued that: (1) the sentencing guidelines promulgated by the Inited States Sentencing Commission pursuant to the Sentencing Reform Act of 1984 are consistent with the separation of powers under the Constitution and are not the product of an improper requiring Reform Act of 1984 are consistent with the separation of powers under the Constitution and are not ber the Customs Service from requiring Reform to undergo a urinalysis drug test (National Thesaury Phployees Hino v. von Reah); (3) regulations requiring rallroad employees who requiring and read and for the independent and facily inclinated to a position involving the Internation of Angus or the handling of firearms or classified information to undergo a urinalysis drug test (National Thesaury Phployees Hino v. von Reah); (3) regulations requiring rallroad employees who serious confients and factal inclidents to undergo handling and loss and loss that has been placed in receivership must be presented in the first instance to the receiver in accordance with regulations of the Reartal for the offerse of driving under the influence of alcohol, where the maximum penalty is a term of six nonths' imprisorment (Blanton v. City of Las Vegas).

- 1/ Includes certionari authorizations, no certionari decisions, direct appeal authorizations and no direct appeal decisions.
- Miscellaneous decisions include the following: amicus participation, mainiamis, rehearing, settlement, bails, stays, etc. This figure does not include oral arguments in the Supreme Court, conferences, correspondence, etc.

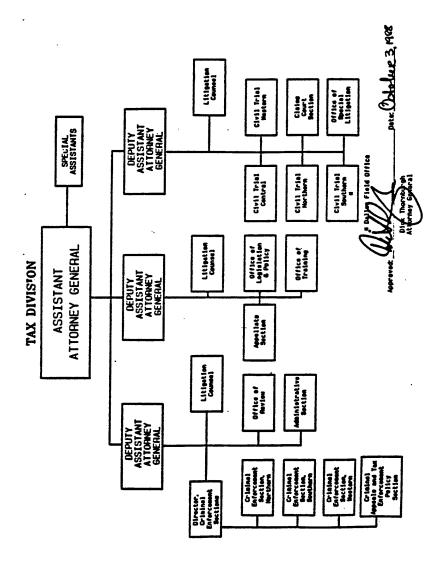
Office of the Solicitor General

Salaries and expenses, General Legal Activities

Detail of Permanent Positions by Category

Fiscal Years 1988 - 1990

Category	1988 Authorized	1989 Authorized	1990 Request
Attorneys (905)	23 6 16	23 6 4 16	23 6 4 16
Total	64	49	64
Washington	6h	. 6ħ	611



fax Division

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outhites and expenses, General Legal Activities

Crosswalk of 1989 Changes (Dollars in thousands)

1989 Appropriation Anticonted	Asount	95 86 85,499	6,475	2 1,062	4.817	1 37,543
196 Appropr	. ev	12	110 10	3	~ ~	621 58
Reprogramaing	Pos. WY Amount	: : :			:	: :
Adjustments in Pers. Pos. & Workyears	Pos.	r·		: * :	` :	-29
Congressional Appropriation Actions on 1987 Request	Pos. WY Amount	-3 -\$152	-10 -557	%1- ···		050.1- 27
1989 President's Budget Request	Pos. WY Amount	95 94 \$5.651 110 111 6.654	311 310 20,247	91 104 4,953	621 632 38 501	
	Activity/Program	recera appellate activity	CIVIL Lax Illigation Organized Crime drug enforcement	Management and administration	lotal	

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COMMITSSIONAL NUDGOCIATION ACTIONS.

Final Congressional action on the General Legal Activities Appropriation request, Public Law 100-459 which passed on October 1, 1788, reduced the President's budget request for the fax Division by 22 workyairs and 1,1050,000. The action included medial of the \$570,000 program increase requested by the Civil Tax Litigation Activity for automated Litigation support. Also, the reduction the shart the boss of mandatory increases for the annualization of the 1988 pay increase und the 22 associated workyears, the funding for the the special salary rate increase, as well as the legalth benefit, 654 rent, and F18 increases.

<u>Minishent, in Permanent Assition, and Workwally</u>. The absorption of pay increases and other costs will not allow support for all of the positions and workyears that Congress may have expected. This column displays the addistments necessary to support the President's Budget.

B3

Tax Division

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Salaries and expenses, General Legal Activities

Surmary of Requirements (Dollars in thousands)

Amount \$37,543 37,543 161 -1,141	1,710 136 136 136 136 120 1,260 237 6 87 87 15 16 16 16 16 16 16 16 16 16 16 16 16 16	Increase/Decrease Perm. WY Amount 39 21 \$1,509	;
Mork- Vears 610 -29 581	29 898 598	Increase Perm. Pos. W	2::2
Perm. Pos. 621 621 621 621 621 621 621 621 621 621	:::::::::::::::::::::::::::::::::::::::	1990 Estimate m. 5. WY Amount 6 619 \$42,080	
	· · · · · · · · · · · · · · · · · · ·	1990 Es Perm. Pos. WY 646 619	569 14 36 619
			613 126
		Amount \$40,571	
Service.		1990 Base n. WY Amc	
ations		Perm. 607	548 14 398 598
ial Oper		riation ted Amount \$37,543	
Financ		989 Appropriation Anticipated erm. os. WY Amount	
tion for		Perm. Pos. 621	545 36 581
ars	kyears.	Manut \$37,416	
t, 1989 d workye ation a lation.	and wo on 1990 (FTS)	1988 Actual rm. 6. WY Am 1 575 \$37	
ation Ac tions an Aministr appropr	ssitions saitions impact services system street.	Perm. Pos. 621	538 36 574
Justinents to base: Department of Justice Appropriation Act, 1989. Aductments to permanent positions and workyears. 1989 Appropriation anticipated. Transfers from the General Administration appropriation for Financial Operations Service. Transfer of COOR to the COOR appropriation.	Mandatory increases Mandatory increases Mandatory increases Malustments to permanent positions and workyears. 1989 Full-year pay increase impact on 1990. Special salary rates Within-grade increases Within-grade increases Within-grade increases Scarring reimbursable services CSA Fent CSA Fen	Estimates by budget activity 1. General Tax Matters	: rmanent
Adjustments to base: Department of Just Aductments to pe 1989 Appropriation Transfers from t Transfers of OCDE	Mandatory Adjustne 1989 Full Special Within-y Health b GSA Rent GSA recu GSA recu Federal Telephon Employee General Full-fis Security Total,	Estimates by b	BOY Employment: Full-time permanent Reimbursable Other

G

Tax Division

Salaries and expenses, General Legal Activities

Summary of Resources by Program (Dollars in thousands)

•	1988	2	1988 As Enacted	1988 Actual	B AC	1	1939 A	pprop	tton	1990 Base	B.	9	199	O Es	1990 Estimate	Increase/Decree	ed/ea	crease
Estimates by Program	Poe i	¥	Amount	2 e	š	텖	Pos. WY And	≩	t k	ğ.	즟	Amount	Per S	≩	Amount	Perm.	ZI ZI	mount
General Tax Matters: Federal appellate activity Criminal tax prosecution	95 110	1601	\$5,496 6,430	95 110	8 8	\$5,496 6,430		98	\$5,499 6,475	38	85	\$6,104	85	282	\$6,268		~	\$164
Civil tax litigation	<u> </u>	300	19,755	311	12 58 2	19,755	: ::::::::::::::::::::::::::::::::::::	1286	19,690	311	302	21,899	339	317	23,010		12:	1,111
Management and Administration	8	읡	4,716	6	ક્ષ	4,715		8	4,817	5	:8	5,359	6	: 2	5,593	: "	-	234
Total	621	610	37,417	621	575	37,416	621	281	37,543	607	298	40,571	949	619	42,080	33	73	1,509
Other workyears: Hollday. Overtime Total compensable workyears.	, , , -	:9 9:			6		• 1 15	587			9 9			625		: 4"	: : = =	

Salaries and Expenses, General Ingal Activities:
Justification of Program and Performance
Activity Resources Summary
(Dollar in thousands)

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Decrease	Amount \$164 1,111
Increase,	24: 15: 24: 35: 34: 35: 35: 35: 35: 35: 35: 35: 35: 35: 35
ate *	Poe. WY Amount 98 92 86,288 110 107 7,209 339 111 5,2010 99 101 5,201 646 619 42,080
	Pos. W Amount 15 35 36 36,104 110 107 7,209 311 302 21,899 91 99 5,359 607 598 40,571
1989 Appropriation Anticipated Perm.	Pos. WY Amount 55 68 55,499 110 102 6,475 111 286 19,690 114 12 1,062 91 95 4,817 621 581 37,543
Activity: General Tax Matter	Federal appellate activity. Criminal tax prosecution. Civil tax litigation. Organized crime dry enforcement Management and administration. Total.

This budget activity includes personnel and funding resources necessary to ensure effective enforcement of the nation's internal revenue system. The Tax Division, in serving as primary counsel for the Internal Revenue Service (I.R.S.), plays a crucial role in assessing, collecting, and enhancing revenues for the Federal Tressury. In conducting its primary mission of tax law enforcement, the Tax Division ensures greater compiliance with the country's internal revenue system. Of equal importance, the Division serves as a major revenue generating agent for the Federal Government, thereby contributing to the overall effort to reduce the Federal budget definit.

Note: Beginning in 1990, resources for the Organized Crimm Drug Raforcament program are proposed to be transferred to the Organized Crime Drug Enforcament appropriation pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988,

Increase/Decrease	Pos. WY Amount	3 2 \$164	
1990 Estimate	Pos. WY Amount	98 92 \$6,268	
1990 Rase	Pos. WY Amount	95 90 \$6,104	
1989 Appropriation Anticipated Perm.	Pos. W Amount	95 86 \$5,499	
		Federal appellate activity	Control Court of the control of the

To ensure uniform enforcement and equitable policy positions on all tax related matters filed with Federal and State Appellate Long-Runge Goal: Courts.

Major Objectives:

To maintain the quality of the Government's written and oral advocacy in tax cases under appeal and to prepare quality briefs, petitions, and other legal documents required by the Solicitor General for submission to the Suprema Court.

To recommend agreeal of adverse Tax Court, Claims Court, and District Court decisions to ensure protection of the Government's and the publics' interest. To make fair and consistent interpretations of complex new tax statutes, such as the Tax Reform Act of 1986, in all cases litigated in Pederal and State Appellate Courts.

Base Program Description: Federal Appellate attorneys litigate all civil tax cases on appeal to the United States Court of Appeals and to State Appellate Courts. They also supervise the U.S. Attorneys hardling criminal tax matters on appeal to the United States Court of Appeals and occasionally conduct this litigation. Drafts of all pleadings and briefs filed by the Solicitor General in the Supreme Court for cases pending in that Court are also prepared by our attorneys and recommendations are made to the Solicitor General regarding: (1) filling petitions for certiorari in tax cases lost by the Government; (2) tax cases lost by the Government in the District Court, the Claims Court, and State Appellate Courts; (1) and prosecuting cases referred by the I.R.S. and subsequently lost in the United States Tax Court. Finally, Freedom of Information and Privacy Acts cases and civil torts sults which involve I.R.S. officials are hardled on appeal by Federal Appellate attorneys.

Accomplishments and Workload: Accomplishments of the Federal Appellate Activity program are presented in the following table:

Item	1987	1988	1989 Eat1	Estimate 1990
Appellate Caseload: a. Pending, Start of Year b. Received c. Closed d. Percent Government Wins work Products:	1,149	1,023	962	1,187
	817	730	1,008	1,058
	943	791	783	807
	928	928	90%	94%
a. Main Briefs b. Reply Briefs c. Briefs in Opposition d. Oral Arguments e. Manoranda f. Dispositive/Briefs	1,098	1,120	1,137	1,160
	131	134	136	140
	106	108	110	115
	382	390	396	115
	737	752	763	775
	221	225	228	232

These workload data are derived from the Tax Division's automated monthly report of actual caseload for each of the Division's litigating according to a Stimetes for fiscal years 1997 and 1988 referet actual caseload data. Estimetes for 1989 are based upon the months experience of case receipts. Case closings in 1989 are likely to decline as a result of reduced staffing and workyear levels. With actually authorized staffing levels and the requested increase for 1990, case closings are expected to increase.

P. Service of the ser

The revenue generating ability of the Division's Federal Appallate program is clearly evidenced by the decision in Miller v. Commissioner [10th Circuit Court). At issue in the case was the deductibility of pre-1982 losses invaried in trading in commodity future straddles—an issue that the I.R.S. estimates poses a potential tax revenue loss in excess of \$7 billion. The Tax Court, in a decision reviewed by the entire Court, held that the losses are deductibile against ordinary income as losses invaried in a transaction entered into for profit so lately rejected the Tax Court's interpretation of the pertinent section of the Tax Coor. The Court held that the losses must be recorded as a transaction entered into with the primary purpose of generating excurnic profit not the theoretical possibility that the taxpayer could have derived some profit from the transaction. We are optimistic that the Circuit Court's decision will be sustained in similar cases in other Circuit Courts, thereby eliminating this uprecedented raid on the Treasury.

In another example of how a single appellate decision can have enormous financial repercussions on the Federal Treasury, the Second Circuit Court, in the case of The Brook, Inc. v. Commissioner, held that the plaintiff, a tax-exampt social club, was not entitled to use losses incurred with respect to non-member activities to offset its investment income for purposes of the unrelated business income tax. The Court decided that the club's deduction of the non-member business losses was not authorized in the Code and held that the club's deduction of those losses was properly disallowed. The I.R.S. setimates that the Second Circuit Court's decision will affect at least 140 tax exempt clube which have been audited by the I.R.S. It is also expected that the net effect of this one decision alone will be over \$3.2 million in additional taxable income with even more revenues being obtained in the future.

The ultimate moretary effect of Appellate cases litigated by Tax Division attorneys, in terms of increased Federal Treasury receipts, is difficult to estimate. As the examples above indicate, however, the direct impact of one case alone can be tens of millions of taxable dollars. The ripple effect of a precedent setting decision won by the Section's appellate attorneys frequently involves many times that

Increase/Decrease	Pos. WY Amount
1990 Estimate	Pos. WY Amount 98 92 \$6,268
1990 Base Perm.	Pos. WY Amount 95 90 \$6,104
Program changes:	Federal appellate activity

An increase of three CS-13 attorney positions, two workyears, and \$164,000 in additional budget authority is requested for the Division's Federal Appellate Activity program in 1990. The additional attorney positions will enable the Soction to maintain an average caseload docket of 33 cases per attorney. The additional attorney positions are absolutely essential due to new additional cases that will be received as a result of the I.R.S.'s intensified enforcement efforts in its Examinations and Appeals activities. The addition of another judge at the Tax Court to help decrease the current backlog of cases will also increase the numbor of appeals the Tax Division will receive.

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Likewise, additional funds for court-related travel are necessary to address this increased source of litigation. The precedent setting significance of each appellate decision makes the benefits of authorizing the requested positions and funding vastly exceed their marginal

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Long-Range Coal: To enhance public compliance with the nation's tax laws by ensuring aggressive and consistent investigation and prosecution of criminal tax evasion and illicit tax shelter schemes.

Major Objectives:

To aggressively investigate and prosecute tax evasion cases received from the I.R.S and those reforred to the Tax Division by the U.S. Attorneys' Offices.

To prosecute and/or supervise the prosecution of cases involving tax protesters and illicit tax shelter schames involving money laundering, off-shore banking operations, and other criminal tax evasion activities.

To monitor, and occasionally participate in, U.S. Attorneys Offices' criminal grand jury investigations and to review grand jury findings determine if prosecution is warranted.

To serve as a liaison with the criminal tax units established in the U.S. Attorneys' Offices throughout the nation and with the Tax Fraud Investigations Unit of the I.R.S.

Base Program Description: The Division's Criminal Tax Prosecution program focuses primarily on the increasing problem of illicit tax shelter schemes, off-shore banking and money laundering activities, and other illegal tax avoidance practices. Criminal tax matters referred by the I.R.S. are reviewed by program attorneys. Routine cases are expeditionally transmitted to the appropriate U.S. Attorney's office while oraples matters are reviewed by Tax Division attorneys to deturnine if further investigation and prosecution is warranted. It most instances, prosecutorial support. Tax Division attorneys to deturnine if further investigation and prosecution is warranted. It gative and prosecutorial support. Tax Division attorneys offices but Tax Division personnel continue to provide extensive prepare indictments, legal memoranda, trial briefs, and other logal documents as required; and they also closely monitor the status of criminal tax cases pending in the U.S. Attorneys' Offices. When specific criminal tax law expertise is required, Tax Division attorneys assume principal responsibility for the prosecution of criminal tax cares involving mail order ministries issued by Universal Life

Science and other so-called churches, as well as those involving tax protester advocates and/or tax shelter promoters. It is critical that Tax Division attorneys with particular expertise in the area of criminal tax law enforcement litigate these cases due to the nation-wide relations of the judicial determinations made in these matters. The role played by the Division's Criminal Tax attorneys ensures that tax revenues, which otherwise would be lost due to non-disclosure of income by individuals, corporations, and other tax entities, are in fact.

Accomplishments and Workload: Workload accomplishments of the Criminal Tax Prosecution program are presented in the following table:

	•		•	;		Estimates	-		
		1987	-	1988		8		0661	
-	Cases	ign.	Cases	Subj.	Cases	Subj.	Cages	Subj.	
 Pending Beginning FY 									
a. Criminal Section	419	597	273	554	614	931	073	1 103	
b. USA's Offices	100	150	105	115	110	3,5	3 5	105.	
c. Grand Jury				•	•	3	911	C7T	
Investigations	1,839	5,233	2,167	5,792	2,218	5,613	2,278	5,553	
2. Cases Received									
a. Complex	709	1.121	109	936	9	210	;	1	
b. Non-complex	320	746		3	900	910	/19	857	
Ottomatha	077		196	214	180	195	188	201	
a outgrowing	613	1,104	445	775	456	1.044	479	1 096	
a. Neturned for Supp.	202	307	216	309	196	240	206	25.5	
Total Cases Received	1,755	2,776	1,458	2,134	1,420	2,295	1,49	2,406	
3. Total Grand Jury		,							
Investigations Received	618	1,698	486	1,587	5.28	1 536	730	;	
					250	00011	00 d	1,013	
1. Closings									
a. Cases	2,001	2.969	1.222	1 872	1 222	1 044			
b. Grand Jury	•			11011	7/7/1	1,744	1,631	1,983	
Investigations	290	1,139	435	1,766	468	1.596	477	1 630	
					:		-	1,020	

The workload statistics reflected in the above table were obtained from the Division's Criminal Appeals and Tax Enforcement Policy Section. The Section maintains its own inhermal automated case reporting/tracking system for criminal tax matters which is used to prepare case information reports on a monthly basis for Division policy and management officials.

1987 and 1988 statistics reflect actual caseload for both fiscal years. 1989 estimates are projected on the basis of two months of casaload data and information provided by the I.R.S. regarding their planued criminal tax enforcement initiatives. 1990 estimates are projected on

the basis of past year experience and the additional criminal tax enforcement initiatives planned by the I.R.S. While case receipts are projected to increase by 5 percent in 1990, case closings are expected to show a lesser increase due to maintaining an already reduced staffing level in 1990.

Outgrowths are cases which are recommended for prosecution and which initially were grand jury investigations. Cases "returned for supp" are cases returned from the U.S. Attorneys' offices to the Tax Division's Criminal Section for further action. Direct referrals are cases referred directly to the U.S. Attorneys' offices by the I.R.S.. In these instances a courtesy copy of the case fille is supplied to the Tax Division's Criminal Section. However, no direct action on the part of our Criminal Tax attorneys is required.

The role of the Tax Division's Criminal Tax Prosecution Section in enforcing the nation's tax system can bost be reflected in a sampling of criminal cases litigated by Section attorneys. One relevant example is that of United States v. Joseph Gambino and John Masacchia (B.D. New York). On Mas Conspiring to impace, obstruct, and impair the Internal Revenue Service in their tax enforcement efforts. John Masacchia on charges of conspiring to impace, obstruct, and impair the Internal Revenue Service in their tax enforcement efforts. John Masacchia on drarges of conspiring to impace, obstruct, and impair the Internal Revenue Service in their tax enforcement efforts. John Masacchia on drarges of conspiring to impace and Masacchia exercised control of 0.K. Petroleum Corporation and Repaperor Pael Corporation and systematically sought to evade the payment of excise taxes on gasoline. In addition, the Grand Jury charged Masacchia with making a false statement with regard to whether he was registered to sell gasoline, tax free gasoline transactions (Ir.R.S. Form 637). Re illegally represented to General Oil Corporation that 0.K. Petroleum had procured a valid registration for tax free gasoline transactions (Ir.R.S. Form 637), and authorizaring 0.K. Petroleum to purchase gasoline free of excise tax. In fact, he had not procured the necessary form and authorization. The illegal scheme resulted in the evasion of over \$1.0 million in Federal excise taxes on the sale of over 11 million gallons of gasoline. On May 26, 1988, and for Gambino at \$500,000. This Grand Jury indictment is the first to be returned at the newly established division of the Eastern Judicial District of New York. Also of note is that the Section 7232 charge against Masacchia is believed to be the first time this particular Section of the Code has ever been invoked.

In August, 1988, a jury convicted Gambino and Musacchia on charges of conspiring to impede, obstruct, and impair the Internal Revenue Service in their tax enforcement efforts. Musacchia was also convicted on three counts of willfully attempting to evade and defeat the payment of excise taxes on gasoline relating to the quarterly excise tax returns of Apparation for the third quarter of 1983 and the quarterly excise tax returns of Apparation from the first two quarters of 1984. Musacchia was further convicted on charges rogarding the same returns in that he willfully falled to account for pay and overdue excise taxes from the two corporations. In October of 1988 the Court sentenced Musacchia and Gambino following their Klein conspiracy and substantive tax convictions in the gasoline excise tax evasion scandal. The former received a one-year prison term and a \$70,000 fine and the latter received a 15 month prison term.

In yet two other highly publicized and related cases, United States v. James Bakker and Richard Dortch (W.D. North Carolina) and United States v. David Taggart and James Taggart (W.D. North Carolina), relevision evangelist Jim Bakker, the former President of PTL, along with three of his principal lieutenants were indicted by a Federal Grand Jury on two clarges. Bakker and Dortch are charged in one 24-count indictment with mail serious and compiracy to defraud the public through the sale of lifetime partnerships promising yearly vacations at the PTL resort, Heritage Village USA. The lifetime partnerships were broadly solicited on the PTL Network and various commercial television stations throughout the United States. Lifetime partnerships were also solicited through the mail by sending brochuses and letters to potential investors. More than 152,000 fully-paid lodging partnerships were sold, producing at least \$158,000,000

in revenue. The contributions, allegedly needed to construct the resort facility, ware diverted from the PTL fund by Bakker and Dortch for their own personal benefit. Bakker and his wife obtained bonuses totalling \$3,465,000, and Dortch obtained bonuses totalling \$550,000. This and the true financial condition of the PTL fund were concealed from the PTL Board of Directors.

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In the second indictment, David Taggart, former PTL Vice President and special assistant to Bakker, and his brother James, were charged on 11 counts with conspiring to defraud the United States (Klein conspiracy) in violation of 18 U.S.C. 371 and with income tax evasion in violation of 26 U.S.C. 7201. The Taggarts allegedly diverted approximately \$1,107,474 in PTL funds to pay personal bills and expenses and failed to report the funds as income on their 1983-1987 income tax returns. David Taggart allegedly evaded approximately \$119,805 in Federal income taxes while James evaded \$174,636 in taxes for the years 1983-1987.

Of note, and of great pride to the Tax Division, our Special Litigation Counsel directed the 16-month Grand Jury investigation in conjunction with attorneys from the Criminal Division's Praud Section and the U.S. Attorney's Office in Charlotte, North Carolina. The Tax Division Special Litigation Counsel will also conduct the up-coming tax fraud prosecution of the Taggarts.

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естелве	Amount	\$1,111
d/ede	š	15
Incre Perm.	8	88
1990 Estimate Increase/Decrease Perm.	Amount	\$23,010
Bati	È	711
199(Perm.	Pos	339
1990 Base Porm.	Pos. WY Amount	\$21,899
	Ĭ	302
	<u>8</u>	311
riation	Pos. WY Amount	\$19,690
1989 Appropriatio Anticipated Perm.		286
	8	311
		Civil Tax Litigation

ţ <u>long-Range Coal:</u> To effectively litigate all civil tax matters under dispute in an effort to maximize the tax revenues collected for Federal Treasury and ensure public compliance with the nation's internal revenue system.

Major Objectives:

To successfully represent the Federal Government in all injunctive, declaratory judgment, suppression, mandamus, jeopardy assessment, and other civil tax suits.

To vigorously defend all civil torts actions brought against revenue officials in order to discourage "nuisance" suits and prevent harrassment of I.R.S. officials and other Federal personnal.

To maximize the collection of unpaid taxes through successful litigation of all civiz tax recovery suits and through prompt collection of all tax judgments issued in the Government's favor.

To actively participate in bankruptcy proceedings, where tax claims are at issue in order to establish Government priority in relation to other creditors, and to collect all non-dischargeable debts.

To promptly seek court orders enforcing administrative summonses issued by the I.R.S. to ensure that on-going tax investigations are not impeded.

To maintain equitable Freedom of Information Act and Privacy Act programs so that a taxpayer's right to information concerning the policies and practices of the I.R.S. in enforcing the nation's tax laws is balanced with the I.R.S's ability to conduct effective tax invectigations, limit Government disclosure of tax return information, and maintain third-party confidentiality. To develop a consistent Government position with rogard to complex legal cases involving Pederal immunity from State and local taxation and in cases, under Code Section 7428 governing the criteria for tax exempt status.

Base Program Description: The Civil Tax Litigation conducted by Tax Division attorneys maximizes tax revenues obtained for the Federal Treasury by resolving disputed tax matters arising from individual and corporate taxpayers' claims and by successfully recovering outstanding the Library of the Library by the Courts of the U.S. Claims Court. These cases include tax refund suits brought by taxpayers in the U.S. District Courts or the U.S. Claims Court. These cases include tax refund suits brought by taxpayers in the U.S. District Courts or the Claims Court challenging I.R.S. determinations regarding Federal tax liabilities. In addition, Civil Tax Litigation attorneys handle suits to recover morey judgments for taxes owed; prosecute tax claims in bankruptcy litigation; defend suits brought addition attorneys and other U.S. Covernment officials for torts violations allegedly committed in tax collection activities; litigate adding adding the Infited States Government pursuant to certain provisions of 8 U.S.C. Section 2410; and handle all other civil tax matters which come under dispute. The mission of Tax Division attorneys in litigating there matters is to ensure that fair and equitable judicial determinations are made both to protect the interests of the Federal Government and those of the taxpayer.

In addition, Tax Division's Civil Tax Litigation attorneys provide logal advice and assistance to I.R.S. officials in tax investigation matters. They also respond to Freedom of Information and Privacy Acts suits; and litigate all civil tax matters pertaining to summons enforcement cases, declaratory judgment actions to determine an organization's qualifications for tax exempt status, and State and local tax immunity suits. Civil Tax Litigation attorneys also prosecute actions in furtherance of the Government's fight against abusive tax shelters by seeking injunctive relief and penalties against the promoters of those illicit tax evasion schemes. The successful efforts of the Division's Civil Tax Litigation attorneys ensure uniform and equitable interpretations of the nation's civil tax laws, enhance taxpayer compliance with the United States internal revenue system, and enable maximum collection of potential tax revenues for the Federal Treasury.

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1. Defense Monetary Claims 1987 1988	1987 1988 1989		Accomplishments and Workload: Accomplishments of the Civil Tax Littigation program are presented in the following table:	Accomplishments of the Civ	vil Tax Litigation program	are presented in the	following table:
1. Defense Honetary Claims 2,798 2,688 2,563 1,344 1,026 1,026 1,036 1,138 1,134 1,136 1,036 1,138 1,134 1,136 1,036 1,138	1. Defense Monetary Claims		• •	1987	1988		
Pending	Pending						
December	Description		Pending	2,798	2,688	2.563	922 6
D. Other Pefetse 1,136 1,208 1,128 Peccived 1,256 1,380 1,401 915 1,128	D. Other Petere 1,136 1,208 1,728 Recolved 1,256 1,380 1,401 Recolved 1,040 952 936 Closed 6,054 8,284 1,098 11 B. Other Recolved 6,054 8,284 10,980 11 B. Other Recolved 6,054 8,284 10,980 11 B. Other Recolved 6,054 8,284 10,980 11 B. Other Recolved 1,024 965 9,348 10 Closed 1,024 965 856 2,428 2,428 10 S. Sectived 1,024 965 674 2,138 2,138 2,138 10 Closed 4,0 117 24 24 Closed 1,005 100 100 2,567 2,138 2,1		Received	1,026	1,083	1 344	2,113
2, Recoived 1,256 1,380 1,401 962 9,36 9,36 9,36 9,36 9,36 9,36 9,36 9,36	Pending 1,256 1,380 1,401 1,040 962 941			1,136	1,208	1.128	1,411
2. Recovery of Money a. Bankruptcy Cases a. Bankruptcy Cases b. Other Recovery Recaived closed b. Other Decived closed closed b. Summon Enforcement Closed closed closed closed closed closed closed closed d. Summon Enforcement Pending f. iii - Received closed closed closed closed closed d. Summon Enforcement Pending f. iii - Received closed closed closed closed d. iii - Received d. iii - Received d. iii - Received d. iii - Received closed closed closed d. iii - Received d. iii - Received closed closed d. iii - Received d. iii - Received closed d. iii - Received d. iii - Received closed d. iii - Received closed d. iii - Received d. iii - R	Second 1,256 1,380 1,401 1,4			*			017/1
2. Recovery of Money a. Bankruptcy Cases A. Bankruptcy Cases Bending Beclived b. Other Recovery Closed	2. Recovery of Money a. Bankruptcy Cases a. Bankruptcy Cases b. Other Recovery Closed Closed J. Federal Civil Programs a. Folly Received b. Summons Britvenement Closed Closed Closed A. Livgal Dabta Processed 4. Livgal Dabta Processed a. Amount Collected b. Percent with Activity San San San San San San San San		pending	1,256	1,380	1 401	
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2. Recovery of Money a. Bankruptcy Cases Pending Becelved Closed Closed Closed Closed Closed Closed Closed Closed A. Ivgal Dubts Processed Closed Cl	2. Recovery of Money a. Bankruptcy Cases Perding Ferding Ferd		Closed	916	941	936	983 861
a. Bankruptcy Cases Pending Pending Pending Pending Closed b. Other Recovery Federal Civil Programs a. Foldy, Ph Received Closed b. Summons Enforcement Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed c. Other Enforcement Pending Received Closed closed closed closed d. Mnount collected s. Amount collected b. Received closed closed closed d. Mnount collected s. Amount collected b. Received closed closed closed closed closed closed d. Mnount collected s. Amount collected b. Received closed cl	a. Bankruptoy Cases Pending Becalved 6,054 6,054 6,054 6,054 10,980 11 8ecelved 6,074 7,626 9,348 110,980 111 Received 6,074 1,024 956 951 951 14,3 8 3 30 Received 1,024 985 C. Other Ending Closed 1,23 C. Other Ending 14,509 4. Irigal Dubts Processed a. Amount Collected 4. Irigal Dubts Processed a. Amount Collected 4. Irigal Dubts Processed 4. Irigal Dubts Processed 4. Irigal Dubts Processed a. Amount Collected 4. Irigal Dubts Processed 558 838 83 841.9 mil						
Perding 3,871 3,851 4,509 6,054 8,284 10,380 115 Perding Closed C,074 7,626 9,348 10,980 Pending C,187 C,132 2,057 Pending C,1024 3,104 3,104 Pending C,1024 3,104 2,57 2,064 Pending C,1024 2,57 2,064 2,132 Pending C,1024 2,677 2,064 2,1328 Pending C,197 C,1024 2,1328 2,064 Pending C,197 C,197 C,1024 Pending C,197 C,197 C,1024 Pending C,197 C,197 C,197 Pending C,197	Pending	••					
December	Percent						
Declaration	b. Other Recovery Closed Closed Content and Preserved Content with Activity Content and Preserved Content with Activity Content with Activity Content with Activity Content Content with Activity Content Content with Activity Content Cont		Pocoding	3,8/1	3,851	4,509	6.141
b. Other Losed 6,074 7,626 9,346 10 Pending Pending 2,187 2,132 Received 9,54 931 816 3. Federal Civil Programs a. FOIA/Ph Becal Cilosed 40 17 2,487 Closed 100 17 2,444 b. Summons Enforcement 100 70 24 Closed 2,567 6,74 2,738 c. Other Enforcement 2,567 2,036 c. Other Enforcement 2,878 2,412 Closed 125 2,878 2,412 A. Irigal Dubts Processed 123 6mil \$41.9 mil \$41.9	b. Other Recovery Pending Received 1,024 2,187 2,132 Received 1,024 3,187 2,132 Received 1,024 3,187 2,132 2,057 3,18 3		Darrage	6,054	8,284	10.980	13,176
3. Federal Civil Programs	Pending		S. Post	6,074	7,626	9,348	10.750
Second 2,187 2,132 2,057	Second Second 2,132 2,057 1,024 956 924 1,024 956 924 1,024 951 951 954 1,024 951 951 954 1,024 951 954 954 954 954 954 954 954 954 954 955 955 955 955 955 955 955 954 954 955 95	•		1			
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Although it is very difficult to place the ultimate dollar value on the various types of civil tax cases the Tax Division receives, we do record the initial amount at issue and subsequent activity as it relatus to the initial amount in our case reporting system. Breaking our cases into meaningful categories, in 1987 for every dollar expended in pursuing monetary claims we obtained \$73 in judgments or concessions. For every dollar expended in defense of claims, the Government avoided \$290 in potential liabilities. Our return on investment in efforts to halt tax

shelter activities was \$348 to \$1. In addition, our 1988 collection efforts resulted in obtaining close to \$42 million in additional revenues for the Federal Treasury.

Increase/Decrease Perm.	Pos. WY Amount	28 15 \$1,111
1990 Estimate	Pos. WY Amount	339 317 \$23,010
1990 Base	Pos. WY Amount	311 302 \$21,899
ram changes		/il Tax Litigation

The Tax Division is requesting the most substantial resource enhancements for its Civil Tax Litigation program. A total of 28 additional positions, 15 workyears, and \$1,111,000 in additional budget authority are requested for this program activity. The additional positions will provide for 18 new attorneys, 6 paralegal specialists, and 4 clerical support personnel all essential to ensure that the Division's Civil Tax Litigation mission is effectively maintained. This is of extreme importance as the tax law enforcement environment has undergone extraordinary changes of late and has become increasingly complex.

The requested enhancements for 1990 are of critical importance to the Division, as the Civil Tax Litigation program is the number one priority massion in the eyes of Tax Division policy level officials. The Division's Civil Tax Litigation program not only reflects the most comprehensive of the Division's litigating programs, but also involves the greatest types and numbers of particular tax matters that our attorneys must litigate. It is also viewed as the Division's priority program because all civil tax matters which come under contention must be litigated by Tax Division attorneys. There is virtually no discretion in this area of tax law enforcement as all cases referred to the Tax Division by our client agencies require immediate attention and legal action. As a result, it is essential that this program be sufficiently staffed and funded. Of further importance, the litigation conducted by Tax Division Civil Tax Litigation attorneys results directly in the generation of substantial revenues for the Federal Treasury. The revenue-generating potential of the Tax Division would be vastly enhanced if the resources requested for 1990 are, in fact, forthcoming.

The 1990 program enhancements for the Civil Tax Litigation activity are best understood when viewed as specialized tax law enforcement initiatives. In this regard, the Division has identified four specific tax law enforcement initiatives for which additional personnel and funding resources are required. These include: (1) the successful management of large, document-intensive cases frequently involving enormous sums of money at issue; (2) the successful management of the increasing number of filancial institutions related littigation; (3) the management of civil tax workload increases in general, and those resulting from the intensified enforcement efforts, and shift in enforcement emphasis, on the put of the I.R.S.; (4) and the strengthening of our debt collection program to ensure that legal debts owed to the Pederal Government are pursued and ultimately collected. Each requested enhancement, while marginal in light of the potential dollar return on investment to the Federal Government, is crucial to the overall mission of the Division's Civil Tax Litigation program.

1. Large Document-Intensive Case Initiative

As a part of the 1990 request an additional 10 positions, 5 workyears, and \$394,000 in budget authority is needed to ensure effective litigation of the large, document intensive cases the Division is required to litigate. The additional positions requested include 8 attorneys and 2 clerical support personnel. This increase is particularly critical at this time because the I.R.S. is currently implementing its on "large case" initiative. Ultimately, the intensified enforcement efforts of the I.R.S. in this area will result in more large, document—intensive cases being referred to the Tax Division for litigation.

The importance of the I.R.S.'s re-prioritization of its enforcement efforts and their shift in enforcement emphasis to pursue large multi-issue and big dollar cases is best demonstrated by the following statistics. Currently, ten percent of the large cases under I.R.S.'s examinations and appeals comprise 90 percent of the revenues at issue in all tax-related matters. Similarly, while large cases involving over \$10 million represent only three percent of the cases currently pending in the Tax Court, they comprise 60.3 percent of the total tax and penalty dollars at issue. Clearly, the wast revenues at stakes in these large cases mandate that the Tax Division be provided with sufficient staff to conduct this litigation successfully.

Of further significance, these types of cases, due to their extraordinary volume, absorb enormous amounts of attorney time merely to review and analyze the documents and prepare all necessary material for litigation. The substantial sume of money presently at issue in these types of cases, make it even more important that sufficient attorney personnel are available to handle this time consuming source of civil tax litigation. Clearly, the vast revewuses at stake in these large cases mandate that the Tax Division be provided with sufficient staff to conduct this litigation successfully. The 1990 manginal enhancements will enable our attorneys to successfully litigate these cases, thereby protecting the fiduciary interests of the Federal Government.

2. Financial Institutions Litigation Initiative

The Division's 1990 request to address the emerging number of financial institutions related litigation includes a total of 9 positions, 5 workyears, and \$394,000 in associated budget authority. The request provides for 7 attorney positions and 2 clerical support personnel.

The increasing number of economically failing financial institutions has generated a whole new area of civil tax litigation. Frequently, these failing banks are purchased by fiscally solvent ones who in turn claim a tax deduction when filling their income taxes with the I.R.S. Specifically, the prendume they pay to acquire the assets of the failing institution are amerized as degreciable asset and thus declared non-taxable. While this claim was recently rejected in the case of AmSouth Parcolynation v. United States there is growing pressure in the banking community to make these prendums legal tax deductions. This is evidenced by the increasing number of refund suits now being filled in the courts by financial institutions. The labor and hour intensive nature of these types of cases is evident when one considers that two of the Division's Civil Trial attorneys devoted 1,200 hours in discovery and litigation in AmScuth Bancorporation v. United States alone. When one considers the growing number of failing savings and loan and other financial institutions, particularly in the Southwest, the potential amount of future attorney time which will be required to litigate these cases is exothicant. Ourrent staffing levels are insufficient to provide the enormous number of person hours required to conduct this financial institutions litigation. Additional staff must be provided to address this new, increased source of extremely complete these resources, there is no quarantoe that our attorneys will prevail in court and as a result, millions of dollars in potential revenue for the Foderal Treasury will be lost.

Yet another aspect of litigation generated by the practices of financial institutions is that of "mortgage swapping". The I.R.S., hence the Federal Government, is in a position to lose more than \$1.5 billion in taxon as a result of enormous tax losses claimed by lending institutions that traded mortgages in 1981 and 1982. The mortgage pools established in the early 1980's, and for which more than 200 financial institutions claimed tax deductions, have resulted in litigation involving over \$1.0 billion. The moretary stakes at issue in the courtroom are self-evident and the Tax Division must have sufficient staff to litigate these cases and obtain judicial decisions favorable to the Government. Ourrently, there is a divergence of opinion in the courts on the legitimacy or illegitimacy of these mortgage swap schames. As a result, critical judicial provided. When one considers the dollars at issue in these matters, and the potential collection of additional tax revenues for the Federal Treasury, the Division's requested enhancement for 1990 is minimal. Yet, this marginal investment of additional resources would ensure a substantial return on investment in terms of the additional tax revenues collected.

3. Tax Reform and I.R.S. Enforcement Workload Increases

For 1990 an additional 3 positions, 2 workyears, and \$171,000 in budget authority are requested to address the Division's ever increasing caseload and the extraordinarily more complex caseload now being referred to the Tax Division for litigation. The 1990 request provides funding for 3 attorney positions. This conservative increase is essential to the Divinion's civil tax litigation program. The dramatic changes in the nation's tax law environment have stimulated an entirely new source of caseload for which additional attorney personwel are required if it is to be litigated effectively.

The critical need for this program enhancement stems from the dramatic changes in the nation's internal revenue system that have recently occured. In this regard, not only can the Tax Reform Act of 1986 be cited, but current pending legislation, which is expected to be enacted, will also impact the workload of the Tax Division's Civil Trial attorneys. The Taxpayer's Bill of Rights largislation, if as predicted is enacted, will authorize civil damage actions against the United States when the I.R.S. knowingly or by reason of negligence fails to release a lien. Damage actions would also be authorized for any inappropriate violation of any Federal tax law or regulation in connection with I.R.S. employees' determination or collection of taxes. The Tax Division must be provided with additional staff to defend and protect the Coverrment's interests in these damage suits which was never before necessary. In addition, the Ingalation would shift the burden of proof onto the Goverrment requiring substantial justification of an action taken. The Coverrment would also be responsible to legally justify all administrative actions taken by the I.R.S. in their initial communication with the taxpayer, and the taxpayer would be entitled to the award of attorney fees incurred while contesting I.R.S. administrative actions if the damage suit was sustained.

attorneys will be required to devote in defending I.R.S. employees from Hability for common law torts committed during the execution of their official duties. The decision limits the scope of immunity for Federal employees and precludes the opportunity for our attorneys to file a motifon to dismiss the case. As a result, the Tax Division will be required to perform extensive discovery and will actually have to Iltigate cases that previously only required that the motion to dismiss be filled. This new source of civil tax litigation cannot be handled with the address this new source of civil tax litigation cannot be brandled with the address this new source of caseload.

Finally, the program request will enable the Tax Division to satisfy the new demands of the I.R.S. for legal support and assistance. The I.R.S. is shifting its enforcement emphasis and is now bringing more civil tax cases directly to court in an attempt to obtain definitive judicial rulings. Certain administrative processes previously involved in hardling these matters will be eliminated to allow the I.R.S. to file the matter directly in the courts. Tax Division attorneys will be responsible for conducting this additional litigation. Existing staff already have a burdensome caseload doctet and cannot possibly handle this new increased source of workload effectively. Additional attorney personnel must be made available if the Government's interests are to prevail in the courtroom.

4. Debt Collection Initiative

An increase of 6 paralegal specialist positions, 3 workyears, and \$152,000 is urgently needed to establish a more viable and effective debt collection program. This enhancement would provide an additional paralegal specialist to each of the Division's Civil Trial components specifically for debt collection activities. Renewed emphasis on the Division's debt collection activities will increase the actual amounts collected for the Redeast Treasury, thereby reducing the current deficit—a clear Administration and Congressional priority. Of note, in PY 1988 a total of \$42 million was collected by the Tax Division. With a 1988 funding level of only \$37,073,000, it is clear that the Division "bays for itself". In fact, a recent enablysis of the existing program indicated that for every one dollar expended specifically for debt collection activities, an additional \$102 was actually collected for the Pederal Treasury.

Polancing the Division's effectiveness in collecting debts owed to the Federal Treasury is an important priority to both Department and Tax Division leadership. Presently, the substantial caseload docket which must be managed by our Civil Trial attorneys takes precedence over their debt collection responsibilities. At the end of 1988 our Civil Trial attorneys were managing an average caseload docket of 86 cases. This means that they must devote the vast majority of their time to satisfying court filling and appearance requirements. As a result, little attention is devoted to debt collection activities, and the comprehensive monitoring and follow-up on debt collection matters during the crucial six months following the entry of a judgment, or effectuation of a settlement which gives rise to a debt owed to the Federal Government are obtained off a timely basis the Division requires the personnel and funding resources requested for 1990. While already a prime generator of revenues for the Federal Treasury, the Division's potential in this regard would be significantly enhanced if a truly viable debt collection program could be established.

	1989 A	89 Appropriat Anticipated	priation	Perm	990	990 Base *	Perm.	Esti	1990 Estimate *	Incre Perm.	ase/D	эстеляо*
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ug enforcement	14 12	12	\$1,062	:	:	:	:	:	:	:	:	:

* Note: Beginning in 1990, resources for the Organized Crimo Drug Enforcement program are proposed to be transforred to the Organized Crime Drug Enforcement appropriation pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988.

Long-Range Goal: To assist in the tax related investigations and prosecutions of organized criminals and major narcotics traffickers.

Major Objectives:

To provide investigative, prosecutorial, and litigative support to the 13 regiona) CCDE Task Porces in criminal narcotics cases at the grand jury inwest-igation and trial stages.

To ensure prompt and successful prosecution of narcotics traffickers by expediting the review of I.R.S. special agents' reports and by providing legal advice on evidentiary matters and legal theories of proof.

to provide legal and programmatic support to other agencies involved in enforcing drug-related provisions of the Anti-Drug Abuse Act of 1988.

Pase Program Description: The Organized Crime Drug Enforcement program reflects the nation's multi-egency approach toward eliminating major narrotics trafficking and drug-related organized crime syndicates. Tax Division CDF program attorneys serve as the lisison to the 13 nation—vide CDF Tax Forces and they provide litigation support, advice, and drug/tax related legal expertise in CDE Tax Forces assess. Our CDE program attorneys monitor the drug/tax related dockst of the CDE Tax Forces to ensure that we provide timely assistance in investigations and process in financial/tax investigations and in cases under appeal which involve externely technical and complex tax-related issues. The involvement of Tax Division CDE attorneys in these drug/tax related cases is extensive as these cases typically require lengthy grand jury investigations and numerous defendants each of whom is charged with numerous criminal viola—tions. With the recent enactment of the Anti-Drug Abuse Act of 1988, the drug-related litigating efforts of our CDDE attorneys has assumed even greater significance with the Foderal intensification of drug enforcement efforts.

Accompliatments and Workload: Accompliatments of the Organized Crime Drug Enforcement program are presented in the following table:

0661	151 115 266	72 338	82 115 197	48	245
Estimates 19					
1989	145 112 257	325	85 110 195	\$	240
1988	141 108 249	65 3 14	85 108 193	2	235
1987	251 227 478	539	181 202 383	87	431
	1, OCDE Case Receipts a. Complex Casus b. Outgrowths Subtotal	c. Grand Jury Investigations Total Case Receipts	2. CCDE Case Closings a. Cruplex Cases b. Outgrowths Subtotal	c. Grand Jury Investigations	Total Case Closings

case reporting/tracking system for criminal Appeals and Tax Enforcement Policy Section. The Section maintains its own automated case reporting/tracking system for criminal tax matters which is used to prepare case information reports on a monthly basis for Division policy management officials. 1987 and 1988 data reflect actual case receipts and closings for both fiscal ynars. A three percent increase in case receipts is enticipated for 1989 and again in 1990 hased upon information provided by the I.R.S. regarding their planned criminal tax lighestigation and prosecution emphasis. Case closings reflect a smaller increase for those years due to existing limited staff and no additional staff requested for 1990.

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A case very reflective of the crucial role played by the Division's OCDE program attorneys in enforcing drug/tax related matters is that of United States V.Paul Rouleau (Massachusetts). Through the primary efforts of one of our OCDE attorneys, the United States was successful in investigating and prosecuting individuals involved in a major marijuans smuggling ring and related money-laundsring activities.

As a result of the comprehensive research and investigative efforts of a Tax Division COME program attorney, a Grand Jury indicted Paul Rouleau in September of 1987 for empaging in a continuing criminal enterprise, in violation of the so-called Drug Kingpin Statuta. Several of Rouleau's conceptrators were indicted on dury canages as well. In addition, two of the co-complicators, Raymond S. LaRosa and Kenneth J. Whillins were charged with illegally laundering the manygling ring's drug monny. It should be noted that the Grand Jury also identified several properties as being subject to criminal forfeiture because they were purchased with drug-related proceeds.

The indictments were the culmination of an extensive Grand Jury investigation indicating that from 1976 through 1984, Rouleau headed a marijuana network which was run like a sophisticated, all be it illicit, business. The operation distributed tons of marijuana throughout Central Hessechwester. By the time the Messachwester State Police broke up the drug smuggling ring in 1984, the business has a management team, purchasing spents, a bookkeeper, and a network of at least 25 mid-level dealers who, in 1984, owed the ring \$1.7 million dollars for merijuana received. By 1984, the ring had converted millions of dollars in drug profits into seemingly legitimate property investments, bank accounts, and businesses in Messachusetts, Naw Hempelie, and Plottha. Iskoad's money laundaring activities, slone, included the 1984 purchase of Union and detailed drug and money laundaring investions in New England".

Aftur a two-week jury trial, the successful prosecution of Paul F. Rouleau, Patrick J. O'Mailay, Carleen Lafferty, Konneth J. Mailins, and Raymord B. LaRosa resulted in their convictions. Judge Tauro sentenced all of the defendants to serve time in prison. The kingpin of the organization, Paul F. Rouleau, activil taxes cowd to a ten year puried of incarcention and fined \$100,000. Rouleau's civil taxes cowd to the Federal Government amounted to over \$1,200 in addition, Kouleau's financial Advisor, plud milly to tax evasion charges and was entenced to a six month period of incarcention. As part of his plea agreement, lafosa relinquished all rights, title, and interest to propertine abtained with drug proceeds and which were valued at most \$1.0 million. The net processed of the forfeited proporties will be turned over to the Worcester District Attorney's Office.

The Division's COSE program attorney involved in this case played a critical role and contributed significantly to its successful conclusion. Specifically, our attorney became involved during the Grand Jury stage of the investigation when he developed a plan for the investigation and assistant indictment, our COSE attorney suchored in the supervision of the Ngents assigned to the case. After the investigation and subsequent indictment, our COSE attorney suchored many of the discovery and pre-trial motion documents. His thorough and careful preparation of pre-trial materials and his assistance in preparing trial exhibits, enabled the presentation of e cohesivo and comprehensive case against the defendants, leading to their conviction, Upon completion of the defendants, our COSE program attorney, in conjunction with the Special Assistant U.S Attorney, engaged in extended plase respectations with defense coursel regarding the remaining tax and RICO counts of the indictment. Their skillful and professional negotiations with defense coursel regarding to the Government.

In sum, the efforts of our OCDE program attorney proved invaluable in successfully litigating this drug-related matter. Undoubtedly, with the recent enactment of the Anti-Drug Abuse Act of 1988, Tax Division OCDE program attorneys will be called upon for legal advice and assistance in an ever growing number of drug/tax related enforcement matters.

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Increase/Decroase	Perm. Pos. WY Amount 8 4 \$234	
1990 Estimate	Perm. NY Amount 99 103 \$5,593	
Est	3	4
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<u>long-Pange Goal</u>: To provide Division-wide management and policy direction including: selecting, developing, and leading the Division's super-Visory team; mintaining effective programs in response to Administration and Congressional priorities; unsuring time; and analysis on proposed legislation affecting the nation's internal revenue systems; fulfilling the Division's administrative responsibilities under the Freedom of information and Privacy Acts and Section 6103 of the Internal Revenue Code; and providing essential administrative, financial, information systems, and other administrative support services as required.

Major Objectives

To ensure the maintenance of precise, consistent, and uniform tax litigation policy positions and to enhance the Division's liaison activities with the I.R.S., the U.S. Attorneys' Offices, other Department of Justice companents, and other external client agencies.

To review and analyze logislation affecting the Division's policies and practicus and to respond to all legislative inquirius.

To provide essential administrative support services, including personnel, fiscal and program evaluation services, information systems support, and other required support services, to all Tax Division Sections by implementing both modern administrative management techniques and state of the art office automation technology.

appropriately handle all Freedom of Information Act and Privacy Act matters by conforming to statutory mandates of these acts and by maintain-; confidentiality when releasing tax return information.

Base Program Description: The Executive Diroction, legislative Affairs, and Administrative Services components of the Tax Division provide the necessary leadership and administrative support to maintain a viable Tax Division effectively serving the litigative needs of the I.R.S., the U.S. Attorneys' Offices, other components of the Department of Justice, and other claims are management and policies involving civil and criminal tax litigation are established. Likewise, management and policy officials promote and maintain cooperative communications and liaison with the I.R.S., U.S. Attorneys' Offices, other Department of Justice components, and other external client egencies. The legislative proposals which may hance the Division's efforts and external may be proposals which may hance the Division's efforts in enforcing the nation's tax laws. The legislative proposals which may hance the Division's efforts and the Department of Justice are professionally prepared and provided on a timely basis. Appropriate and timely responses are also required in handling matters under the Preseden of Information and Privacy Acts.

The Administrative Section provides Division-wide administrative, fiscal/budgetary, information systems technology, personnel, and other administrative Section is divided into five essential components including: (1) the Exemptive Office which provides oversall control administrative Section is divided into five essential components including: (1) the Exemption, and travel provides oversally activities of the Division; (3) the Information Resources Staff which is responsible for the dovelopment and maintenance of the automated case management system, litigative support data bases, word processing, and other office automation technology requirements of the Division; (4) the Personnel Staff which moritors recruitment, hirling, and training of Division personnel, as well as providing all other necessary personnel sections (5) and the Services foreign ersource services; security, case and file control, procurement, facilities management, and all other service support functions required throughout the Division.

Accomplishments and Workload

Executive Direction Accomplishments: The Division's Executive lendership continues to improve the standards of quality performance characteristic of the Tax Division for over fifty years. This is reflected both in torms of dumenstrated improvements in cooperative relations with other Governmental organizations and in menagement innovations implemented internally within the Tax Division.

In management's offorts to ensure that uniform and equitable interpretations of the nation's tax laws are maintained, further cooperation and liaison have been cultivated with the Internal Revenue Service, the U.S. Attorneys' Offices, other Department components, and other client agenciates responsible for anioring public compilance with the nation's internal revenue system. Similarly, the Division's Executive leadership has internal its support and encouragement of negociating bilatoral treaties, such as the Muttal Legal Assistance Treaties (MAT), which give the United States Government access to individual and corporate financial information in both civil and criminal tax cases.

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Internal management improvements likewise have been made under the current Executive leadership. To ensure the fiscal solvency of the Tax Division, each Office/Section Chief became responsible for monitoring expenditures within his/her section in December 1987 and was required to limit expenditures to remain within specified office/Section budget allocations. The process of monitoring expenditures by Division managers has continued in 1989. This innovative management technique represents Executive leadership's concern with involving Division-wide managers in assuming more responsibility for the fiscal solvency of the organization. At a time of increasingly limited resources, management's involvement in monitoring expenditures has assumed critical importance.

Administrative Section Accomplishments: Tax Division executives have intensified efforts to effectively oversee the fiscal, information systems technology development, personnel, and other administrative support earlivings of the Division. Significant improvements have been made in the administrative, financial, information systems, personnel, and other support earlies provided throughout the Division. In a time of extreme budgetary constraints, new measures have been implemented to ensure that expenditures are carefully monitored, that payments are promptly posted, and that financial reports are routinely reviewed for accuracy and any necessary reconcillation. These activities have enabled staff to routinely advise management of potential funding shortfalls and/or surpluses and to develop appropriate options to better allocate budgetary resources

In addition, the Administrative Section's Comptroller's Staff prepares and distributes monthly financial reports to each Office/Section Cristian sectual expenditures and projected budgetary surpluses or deficits for each component of the Division. Thorough monitoring of Division-wide actual appointment of selected cost category items has both ensured that the Division remains solvent in any respective fiscal year and has resulted in the ability to provide the Division's Executive leadership with the policy options regarding funds reallocation and the potential allocation of additional funds to new and existing program priorities. Careful monitoring of expenditures has also enabled the Division to proceed with its office automation project and other important program-rolated projects earlier than initially anticipated. Conservative control of expenditures in 1988 resulted in a Division-wide surplus. This enabled the Division to proceed with its office automation efforts and purchase information systems technology equipment prior to 1989 when appropriated funding levels were expected to be extremely limited.

Information system technology and Division-wide office automation is continually evolving throughout the Tax Division. Installation of the more sophisticated notwork System 5520 to replace stand alone word processors in the Divinion's Civil Trial and Criminal Sections has been completed. All ittigating sections are currently linked to the System 38 case tracking and management system as a communications link between the System 38 and the System System 5520 has been successfully retablished to enable Division-wide systems, systems, This integration allows for the direct transmission of reports, managements, and other lagal documents butween the different automated systems, thereby maximizing the Division's ability to make the most efficient and effective use of all existing office automation rechnology.

Despite some unanticipated delays in its development, the legal activities uniform office automation project, Project EAGLE, is progressing forward. Vendor response to the Project EAGLE "Requant for Proponal" wan enthusiantic. Subsequently, two phases of live test demonstrations, initially started at the end of 1988, have been completed. Final evaluation of contract proposals is underway and contract award is planned for

For 1989 a total of \$1.1 million is available for the logal activities uniform office automation project. The participants in Project EAGE, i.e. the U.S. Attornoys' Office, the Criminal Division, and the Tax Division, have submitted proposals to the Dypartmental Resources Board

requesting a portion of the Project EAGLE fund. After a thorough evaluation, the Tax Division requested \$547,300 to cover 1989 costs associated with Project EAGLE and office automation development. A decision regarding the allocation of Project EAGLE money is expected in January or February of 1989.

To ensure comprehensive provision of personnel services, a separate, distinct Pursonnel Staff was established within the Administrative Section in 1988. The Staff processes the necessary personnel data into the Division's services and enters relavant personnel data into the Division's separation services are several parameter as several system. The Division's Personnel Staff is also participating in the Department's palor also also cruciating the determined processes on the Department's palor several section and separation procedures scholuling and accounting for training; coordinating the uniform application of workplanments and performance appraisable and tracking time and attendance, including daily reports on leave usage and travel. The Division's new accounting of attendance appraisable amployee security clearance and emergency locator information and enables the automated tracking and scheduling of attendance applicant interviews.

The Barvices Staff of the Administrative Section coordinatos and manages Division-wide procurement, controls and distributes all office supplies, equipment and attendant maintenance service, and arranges for office renovations and furnishings. An automated inventory system has been established and is relied upon to monitor and administer those functions. In addition, the Survices Staff is responsible for facilities management including office enrovations, new office space, office space, designs, and general building maintenance. Building security requirements and maintenance of the Division's security program are also the responsibility of the Barvices Staff.

In summary, administrative, financial, technical, personnel, and other support services provided throughout the Tax Division have resulted in productivity improvements in terms of impressionated on a difficult management, in greater communications to final inclinational implementation of additional and more sophisticated office automation technical service and effectively despite declining staffing levels, accompanied by increasing demands for more administrative support sorvices from all Tax Division companents.

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	Management and Administration Management and Administration Management and Administration Management and Administration Management and Administration Management and Administration Management and Administration Management and Administration Management and Administration Management Manag	Increases of 8 positions, 4 workyears, and \$234,000 are requested in 1990 for the Division's management and administrative function. Specifically, the requested increases are essential to ensure the encoessul completion of the implementation and subsequent administration
S	ment	se of
Program change	arage	rease
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the legal activities Uniform Office Automation Project, Project PACLE. The 1990 proposed increases will provide for additional administrative and technical information systems personnel. Existing staff is too limited to ensure that the development, implementation and subsequent assessment of Project FACLE office automation is accompliated. The pursonnel and funding resources already devoted to the legal activities uniform office automation project, require that all necessary messures be taken to ensure its future success. Absent this, the substantial offorts and resources which have been devoted to Project EACLE thus for, will have bream for anythic. It cannot be emphasized strongly encugh that the cost efficiencies and productivity improvements resulting from the successful implementation of advanced, sophisticated office automation technology far exceed the marginal, but absolutely critical, additional resources requested for 1990.

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Tax Division

Salaries and expenses, General Legal Activities

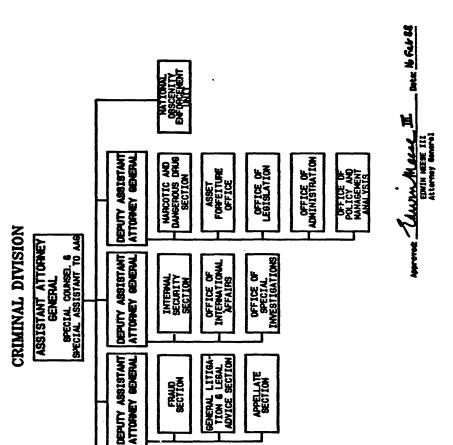
Priority Rankings

	Ranking	Program	Ranking
Civil Tax Litigation Federal Appellate Activity Managament and Administration	- 26	Civil Tax Litigation Management and Administration, Federal Appellate Activiey	351

Salaries and expenses, General Legal Activities
Detail of Permanent Prefitions by Category
Figure 1988 - 1980

	1988	1989		1990	
Category	Authorized	Authorized	OCDE	Program Increases	Total
Attorneys (905)	343	343	-10	21	354
Paralogal Specialists (950)	19	19	-1	9	75
Other Legal and Kindred (900-998)	29	53	:	:	59
General Admin. Clerical and Office Service 300-399)	225	225	មួ	12	234
Accounting and Budget (500-599)	5	5	•	2	S
Total	621	621	-14	33	646
Washington	597	597	-14	39	622
U.S. Pield	24	24	:	•	24
Total	621	621	-14	39	646

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APPELLATE SECTION

FRAND

ORGANIZED CRIME 6 RACKETERING SECTION

PUBLIC INTEGRITY SECTION

DEPUTY ASSISTANT ATTORNEY GENERAL

Salaries and express. General Iceal Activities Crosswalk of 1989 Churen (Collars in the Mansalus)

M t.	\$1,998 16,888 2,472 5,827	2,368 2,156 3,279	7,191	376
	25,2	7, 2,	6,	1,376 5,085 52,830
Appropriation Anticipated Tos M	24 218 29 64	28 28 38	36	, 188
\$ 7 8	28 236 34 80	35 30 46	47 125	269
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Amer.	-\$926	-\$447	::	1,376
Proposed Reprogrami Esg MY	:: 7:	:: Ψ	:: :	. s :
Repr. P.	:: ::	:: °	:: :	61
onal tion on cst	1,079 1,079 12 1,027	99. 9	17 -148	. :8:
Congressional Appropriation Actions on 1289 Reckest	77 : 5	77 7	:*	: : :
Party Application	19:	:: :		: : * °
1989 President's Budget Request	\$1,988 16,738 2,460 6,854	2,358 2,146 3,710	3,540	5,055 52,819
Press	28 235 33	28 33	122	751
26 A 26	28 249 34 100	32 32	130	25
Activity/Program	3. Criminal matters: Federal appallate activity Organized crime prosecution. Public integrity Fraud	Internal security General litigation & legal Advice of security	Investigations Prosecution support Organized crine drug	National obscenity enforcement. Management & administration. Total

Corressional Appropriations Actions. The final 1989 appropriations only provided funding to cover mandatory expenses. No program increases were surforized. Additional furths available were finalficient to surport any additional burkers above the 1988 level. Thus, decreases from the President's burket product shown. The Anti-Lory Abuse Act of 1989 provided 51 million in supplemental funding for 19 positions and 11 workyears for asset forfeiture and civil enforcement by Organized Crime and Racketoering Section Strike Force Offices.

<u>Adjustments in Permanent Resitions</u>. The absorption of pay increases and other costs will not allow support for all of the positions and workyears which would normally be associated with the funding increases enacted. This adjustment permits a more accurate representation of the numbers of positions and workyears that can be funded.

Processed Reprogrammings. The reprogramming of positions and budget authority reflect the permanent effect of resource realignment establishing a separate program element for the National Obscenity Enforcement Unit (NOMI).

Criminal Division Salary and experies, General Lond Activities Sammity of Regularants (Rollars in treasants)

Instructs to base 1988 1989 1	•
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orneys tion. 2 Bass L. Amount 1 \$56,307	;
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Salaries and expenses. General Legal Activities Summary of Resources by Program (Dollars in thousands)

	1988	98	1988 as enacted	61	1988 Actual	}	tion tion	1989 Appropria- tion Anticipate	ria- pated		1990 Base	986	ñ	D Est	1990 Estimate	Incre	Q/986	Increase/Decrease
Estimates by Program	E S	K	ĬĮ.		궠	Art.		暑	Poer. HY Ant.	E SE	Ħ	Ant.		至	AR.	E 2	蓋	AE.
Criminal Matters:	;	;	;	;	;	;	;	;	;	1	;	;	;	;	;			
Federal appellate activity	5 28 28 58	72 5	51,942	5 58 7 58	2 2 2	\$1,912	2,8	7 c	\$1,998	, 28 28 28	2 2	\$2,139	8 <u>%</u>	27	\$2,139	: រ	: 7	-24
Public integrity	7	2	2,40	2	2	2.485	35	2	2.472	2	3	2,643	34	2	2,643	•	· :	3
Frank	8	6	5,667	8	3	5,100	8	3	5,827	8	6	6,229	6	8	6,220	7	7	7
prosecution	35	53	2,299	35	5	2,301	35	28	2,368	35	50	2,544	35	53	2,544	:	:	:
Internal security	8	78	2,097	8	53	2,036	8	88	2,156	8	88	2,307	ဗ္ဂ	88	2,307	:	:	:
advice Office of special	25	46	3,623	25	4	3,657	46	38	3,279	46	\$	3,510	4	Ş	3,510	:	:	:
investigations	41	Ç	3,463	42	36	2,661	47	36	3,557	47	42	3,793	45	5	3,776	7	ç	-12
Prosecution support	125	118	6962	125	124	7,422	125	117	7,191	124	117	7,773	126	118	7,882	14	-	8 0
enforcement	ø	ø	625	9	9	625	9	9	633	:	:	:	:	:	:	:	:	:
National coscenity enforcement	:	:	:	:	:	:	61	14	1,376	19	19	1,471	20	19	1,592	-	:	121
Management & administration Total	ଅଛ	되은	4,930 50,346	ଅନ୍ତ	1 25	50,044	ଅଞ୍ଚ	8	52,830	2	25 25 26 27	56,307	1 12	45	5,367	পৃণ	প্র	1 12
Reimbursable Workyears		1			1			1			٩			9				
Total Workyears		710			702			684			727			716				
Other Workyears Overtine Total compensable Workyears		212			2 2			686			729			718				

	1989	Appropr	iation									
Activity: Criminal Matters		Anticip	ated		1990 Ba	98	199	0 Estin	sate	Inco	See/Do	crease
•	Perm.			Perm.			Perm.			Perm.		
	8	¥	Amount	Š	¥	Amount	8	Ħ	Amount	Ž	¥	Amount
Federal appellate activity	88	24	\$1,998	58	27	\$2,139	58	27	\$2,139	:	:	:
Organized crime prosecution	236	218	16,888	255	229	18,480	252	226	18,454	ŗ	r	-26
Public integrity	34	53	2,472	8	33	2,643	34	33	2,643	:	:	:
Fraud	8	9	5,827	8	69	6,229	79	8	6,220	7	7	የ
Narcotic & dangerous drug	35	88	2,368	32	53	2,544	32	న	2,544	:	:	:
Internal security	႙	88	2,156	30	88	2,307	8	88	2,307	:	:	:
General litigation and legal advice	46	38	3,279	46	6	3,510	46	9	3,510	:	:	:
Office of special investigations	42	36	3,557	42	43	3,793	45	45	3,776	7	7	-12
Prosecution support	125	117	7,191	124	117	7,773	126	118	7,882	~	-	109
Organized crime drug enforcement	ဖ	ဖ	633	:	:	:	:	:	:	:	:	:
National obscenity enforcement	61	7	1,376	13	13	1,471	2	19	1,592		:	121
Management & administration	83	82	5,085	82	83	5,418	26	77	5,367	9-	q	-51
Total	692	684	52,830	780	721	26,307	111	710	56,434	4	-11	127

This budget activity includes resources for the primary mission of the Criminal Division. Runds requested for this activity support personnel involved both at Headquarters and in the field in the prosecution of over 900 criminal statutes.

	1989	Appropr Anticir	riation		990 Ba	1989 Appropriation 1990 Batimate Increase/Decrease	199	Estin	ate		0/000 0	CTPASS
	8	¥	Ameunt	8	EX	Amount	ā	¥	Amount	Ø	¥	Amount
Federal appellate activity	88	54	\$1,998	88	27	\$2,139	88	23	\$2,139	:	:	:

LONG-RANGE GOBI: To secure judicial interpretations favorable to the administration of criminal justice.

Major Objectives:

To prepare briefs and petitions for the Solicitor General in Supreme Court cases.

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to conduct circuit court appeals referred to this program by other components of the Division and by the United States Attorneys.

To prepare memoranda on behalf of the Criminal Division to the Solicitor General recommending whether further raview should be sought for lower court decisions which are adverse to the government.

To devise creative and, when necessary, innovative approaches to issues of first impression that provide a foundation for the development of new concepts in criminal law.

determines whether to respond or to waive a response because the written opinion of a lower court adequately answers the ciaims presented in the determines whether to respond or to waive a response because the written opinion of a lower court adequately answers the ciaims presented in the petition. If a response is desmed unrecessary, that decision is forwarded to the solicitor General. If the decision is made to be the solicitor described to the petition, a brief is prepared by a Appellate Section attorney opposing review by the Supreme Court. This brief is forwarded to the Solicitor General act of Appellate Section at the section prepared that are adverse to the Department of Justice and makes influential recommendations to the Solicitor General as to whether review of these decisions by the Supreme Court adverse to the solicitor General as to whether the section is changed with researching the law thoroughly and draftling the strongest possible arguments in favor of the General and Solicitor General are consensed and the section is changed with researching the law thoroughly and draftling the strongest possible arguments in favor of the General Consense possible for forminal cost, the Appellate Section is responsible for forminal cost, the Appellate Section is responsible for forminal cost, the Appellate Section participates of law, and draftling of the amicus curies before the Supreme Court. If such participated is an appeal to section performs the respect to the Appellate Section performs several important roles. First and foremost, the Appellate Section provides advice and guidance to Appellate Section performs several important appeals to real appeal to the Belance is participately foreworthy because it leads at Attorneys write briefs and participate an oral argument. This assistance is participately because of the contribution of expertises bection attorneys, Section performs prepared severament's position because of the contribution of expertises because and the section attorneys. Since the Suprement a

Accomplishments and Workload: The quantitative experience and expectations of the Appellate Section are presented in the following table:

			135	nates
Item	1987		1989	~
Briefs in omposition to certiorari petitions	350	320	320	320
Court of Appeals briefs and arguments	200		230	245
Supreme Court briefs (including amious curiae)	50	16	16	17
Government petitions for certionari	9	ø	7	7
Adverse decision memoranda	800	800	820	820
Supreme Court waivers of response	750	750	750	750

The Appellate Section plays a major role in shaping policy decisions and ensuring favorable decisions under new statutory schemes. For example, the Sentencing Reform Act of 1984, effective on November 1, 1987, requires that criminal sentences be imposed under quidelines promilgated by the Sentencing Commission. This statute has generated cases across the nation raising a host of issues involving both constitutional and statutory questions. Similarly, the Comprehensive Crime Control Act of 1984 has generated numerous legal issues. The Section has been involved in ensuring that these statutes are implemented in a manner fully consistent with their underlying purposes. The Section has been involved in ensuring that these statutes are implemented in a manner fully consistent with their underlying purposes. The Section advises that States Attorneys of Offices when problems arise under these statutes provides information pertaining to positions or policies adopted by the Department; provides relevant anyments, including supporting naterials; and handles cases generated under these statutes to ensure a favorable judicial interpretation. The Section has continued to shepherd successfully the Special for an issues arising under the Act. In connection with this important Act, the Section of this Act.

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Several cases handled successfully by the Section included issues of critical importance to the Department's mission, such as: United States v. Nulls, in which the District of Columbia Circuit reversed an order suppressing evidence of the confession of a terrorist charged in the 1985 hill-facking and destruction of a Royal Jordanian Altihars infiliars: United States v. Supressing evidence of the confession of a terrorist charged in the 1985 solicitor General, and in which the Supress Court interpreted the Speedy Trial Act, concluding that the trial court improperly dismissed a prosecution with prejudice? United States of America, in which the Fourth Circuit, sitting go bars, wheld the constitutionality of forfeiture provisions under the RICO and Continuing Criminal Enterprises Acts, against challenges that forfeiture of attorneys? fees violated the sixth Americants of co-conspirators fell within the category of material discoverable under Rule 16 of the Federal Rules of Criminal Procedure; United States v. Santal Dynamics, in which the Ninth Circuit had that in a criminal case "referral" of issues to an administrative body was impropar! United States v. Aminess, in which the Rule 16 of the Federal Rules of Criminal Procedure; United States v. Aminess, in which the Eleventh Circuit adopted a more favorable definiting in which the Eleventh Circuit adopted a more favorable definition of "custody" for the purposes of Mizaris and United States v. Bank of May England, in which the First Circuit upheld convictions in a morey laundering case involving, May also processes of employees.

Increase/Decrease	Pos. MY. Amount -3 -526
90 Estimate	Pos. W. Ancunt 252 226 \$18,454
1990 Base	Post W. Amount 255 229 \$18,480
1989 Appropriation Anticipated	Post. W. Amount 236 218 \$16,888
	Organized crime prosecution

Long-Range Goal: To reduce the influence of major organized criminal activities on the economic, political, and social institutions of the United States.

Major Objectives:

To ensure the investigation and prosecution of all major organized groups and activities.

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To initiate new investigative and litigative approaches utilizing all statutory and other appropriate criminal and civil remedies against organized crime.

To mainfain national goals, priorities and standards while coordinating joint program planning and evaluation by Federal and State agencies charged with organized crime law enforcement.

Base Program Description: Program resources are directed at those organized crime groups, whether Is Ocea Nostra (ICM), Sicilian Media or Main organized Crime, which pose the greatest threat to the social well-being of the nation. Eighty-five percent of the 188 attorney positions available for field in the serious received and social well-being of the nation. Eighty-five percent of the 188 attorney problems. Each Strike Force is composed of Criminal Division attorneys, Federal investigators and often local police and prosecutors. In cooperation with the U.S. Attorney and the investigative agencies, each Strike Force identifies the major organized crime problems in its area and conducts the appropriate Investigation and prosecutions, utilizing both criminal and civil remedies. This interspency approach, and the institutional expositation of dedicated attorney resources from the inseption of the investigative process through appeal, results in the maximum exploitation of prosecutive opportunities against organized crime.

The remaining fifteen percent of the staff resources are Mashington-based management and support personnel assigned to labor and RICO matters.

Through the Case Initiated Report approval mechanism, management requiates the application of national priorities. The chief priority is ICN ectivity and affiliated labor racketearing, followed by ensuging organized crime groups and narroctics cartels. Quality control and compliance with Department prosecutorial policies and procedures are guaranteed by the Prosecution Memorandam approval process and continuous supervisory contacts. Program priorities are set through the National Organized Crime Planning Council (NCCC), chaired by the Chief of the Organized Crime and Racketeering Section, which complements the extensive interagency communication in the field on case-related matters with regular assessments of local program effectiveness in each Strike Force city and in Mashington.

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Headquarters attornsys also provide expertise in Federal criminal labor law, furnishing both advice and field support to U.S. Attornsys. In addition, they perform the function of reviewing every proposed prosecution or civil action under the RICO statute and ensuring conformity with Department policies for the use of this tremendously valuable but potentially controversial weapon.

<u>Accornilarments and Workload</u>: The recent experience and future projections of the organized crime and racketeering program are summarized quantitatively in the following table:

Item 128	7887	1988	Estimates 1989 199	1920
Pending, beginning of year. Opened Closed. Pending, end of year.	427	322	329	336
	214	157	157	160
	319	150	150	153
	322	329	336	343

Item	1987	1988	Estimates 1989 199	1990	
Cases (lead prosecution):				l	
Pending, beginning of year	275	334	348	361	
Opened	232	225	214	225	
Closed	173	213	201	211	
Pending, end of year	334	348	361	375	
Disposition of defendants in cases litigated:					
Convictions	429	457	457	480	
Acquittals/dismissals	21	49	2	69	
Other dispositions (transfers to U.S. Attorneys, deaths)	0	38	38	9	

The challenge facing law enforcement today is to sustain our pressure on the LON and, at the same time, prevent emarging organized criminal groups from acquiring a power base. The President's Commission on Organized Crime noted three major characteristics of organized crime in the United States today. In the first place, there has been a rapid growth in recent years of ready organized crime, i.e., ia <u>Organized crime</u> atthiction of an embraced crime in the United States today is a motorycle gange. They share with traditional organized crime, i.e., ia <u>Organized crime</u> a drive to establish a criminal territory, a distrespect for law and a willingmess to rely on violence, criminality and corruption to achieve their ends, organized crime in the United States today is a complex tapestry of multiple groups supported, wittingly or unwittingly, by numerous protectors, specialists and associates. In the second place, the Commission found that the forces of law enforcement indeed have "the motor the run". Recent successes by law enforcement scalars the leadership, membership, and associates of <u>Ia Cosa Nestro</u> have sariously threatened its operations. The emarging groups cited in the report, however, are attempting to fill the vacuum and the report recomments that law enforcement must broaden its parapportive copicing organized criminal groups and their methods of operation. The filmly of the Commission has been when focus of the Organized crime full paraphy of organized and in cases where emarging groups participate in multiple crimes besides narrotics, the Criminal Division's Organized crime full states the commission are traditional and in cases where emarging groups participate in multiple crimes besides narrotics, the Criminal Division's Organized Crime Strike Forces are tasked by the OCEFF guidelines with significant responsibilities are incorrected by the ocept and the commission of the Organized Crime Strike Forces are tasked by the ocept parameters and the second parameters and the second crime strike forces ar

In a separate report on labor racketearing, the Commission has recommended that the Department of Justice develop new initiatives against organized crime activity in labor unions and the market place. It has recommended the more widespread application of all the remedies available to the Government, univer the Racketeer Influenced and Corrupt Organizations (RIOO) laws, more extensive sitoris to decertify broadium unions, and the creation of industry-specific trass forces to remove organized orine those industries. The Attorney General has created a working group to examine the Commission's recommendations and to devise appropriate policy responses. Those resources, including continued emphasis on organized crime impacted industries are being implemented to the extent existing resources permit.

The move into use of the civil provisions of the RIOO statute was to be one of the showpleose of the accomplishments of this administration.

Those suits were to be used, as described above, to drive the criminal element out of major institutions. The time for such emphasis could not be more propitious. An unprecedented number of convictions of the leadership of the LCN has cocurred in the past 10 years. This inventory of past convictions stands waiting to be incorporated with past and present similar offenses to almost insure success in civil RIOs suits for injunctions and other relief. The organized crime and Racketeering Section is the only body with apparienced prosecutors located in all appropriate areas capable of carrying out this program. To that end, a civil RIOS manual has been assembled and distributed. The Section's commitment to five such cases, dealing with labor racketeering in New York and Cleveland and a pornography matter, has already been made. Preliminary inquiries regarding possible civil RIOS against mob dominated laborers locales in Buffalo, and mob influence in the banking, recording, health care and cement

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It should be noted that the FBI has approved the assignment of an additional 54 new agents for use in ICN cases in Fiscal Year 1990. While it would be difficult to claim that all will be used in RICO mattars, as a practical mattar that is where such resources will ultimately be directed, resulting in increasing workload demands for presentors. Further, the significant increases in U.S. Customs Service enforcement personnel in resent flacal years, combined with the inclusion of Sections 1956 and 1957 in the RICO definitions in Section 1961, will further executate this situation. ICN civil RICO cases will give the courts a chance to develop the law in this area upon factual situations most feworable to the Government. Recently, attention has been focused on Asian Organized Crims. In response to the recent Office of Policy and Management Analysis' report, demonstration projects have been opened in four Strike Force offices: Los Angeles, San Francisco, Houston and Boston. A fifth project is planned for the Chicago Strike Force if resources parmit. A similar process is now underway with regard to the Mafia and other criminal groups based in Sicily and southern Italy.

In view of the Congressional emphasis on forfeiture and civil enforcement remedies in the Anti-Druy Abuse Act of 1988, substantial existing resources will have to be applied to these priority remedies, as well as the million dollar supplemental.

Program Chances:	1990 B	98	1990	Estimate	290 Base 1990 Estimate Increase/Decrease	
Organized crime prosecution	Pos. WY. Amount 255 229 \$18,480	Amount \$18,480	252	Pos. W. Angunt 252 226 \$18,454	Poet W Amount	
Program charge represents productivity and management savings of 3 positions, 3 workyears, and \$26,000.	3 workyears	, and \$26,	.000			

1989 Appropriation

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ablic integrity	34	£,	\$ 2,472	ř	33	\$2,643	ਨ	33		:	:	:

<u>long-Range Geal</u>: To enhance the public's confidence in elected and appointed officials at all levels of government by deterring dishonesty and corruption in the discharge of the public's business and by protecting the integrity of the franchise.

*

Major Objectives:

To supervise the investigation and conduct the prosecution of selected corruption cases at the Federal, state and local government levels.

To supervise the investigation and conduct the prosecution of all matters involving alleged criminal misconduct by Federal judges.

To ensure an effective Federal law enforcement effort against election fraud and criminal conflicts of interest among Federal employees.

To assist U.S. Attorney personnel in developing their own capabilities to recognize, investigate and prosecute public corruption and election fraud offenses. To respond, within the statutory time limits, to complaints subject to the Independent Coursel provisions of the Ethics in Government Act (28 U.S.C. 591, gt seg.) and, after investigation, to make timely recommendations to the Attorney General concerning the need for the appointment of independent coursel in such matters.

To establish and maintain lisison with the Inspectors General and others responsible for the investigation and administrative discipline of public employees and to ensure the flow of intelligence concerning employee crimes to Federal prosecutors.

Base Program Description: The Public Integrity Section prosecutes selected cases against Federal, state and local officials, and its staff is swallable as a source of advice and expertise to law enforcement officials and prosecutors at all levels of government. In addition, the program serves as a center for planning, coordinating and indomestry in program focused on public corruption and abuse of the franchise. Approximately 75 percent of the program's resources are presently devoted to operational responsibilities for investigation and littigation of cases and matters, while about 25 percent of its resources are devoted to export of United States Attorney activities. In addition to the cases it has developed itself or cases that axise out of its special initiatives, the program is responsible for the prosecution of corruption matters and it routinely assists in the disposition of public corruption matters involving multi-district problems or unsually sensitive matter,

<u>Acceptionants and Morkload</u>: The recent experience and projections for the Anture with regard to litigation for which the Rublio Integrity Section is directly responsible are summarized quantitatively in the following table:

Item Matters:	1987	1288	1982	1990
	•			
Pending, beginning of year	147	165	182	219
Characteristics	166	165	185	250
Closed	148	148	148	140
Pending, end of year	165	182	219	329

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Item Case (lead prosecution):	7867	1988	1989	1850
Pending, beginning of year. Opend. Closed. Evidence of year.	411.6 411.6	នដដន	8648	8888
Discosition of defendants in cases litigated:				
Convictions	¥ 0 0	8 4 A	₹. 10 4 40	\$

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Although much of the workload increase is expected to result from the enactment of proposed changes to the conflicts of interest statutes, an increase in workload is also anticipated as a result of the change in administration. The increased number of referrals resulting from the changesover is a direct result of the Section's efforts to sensitizing interest and the general public to the conflicts laws, encouraging referrals and seaking to ensure that it becomes known that there are mattern we take seriously. Another factor which weighs significantly in the workload projections involves the expanded coverage of the Independent Coursel Statute.

--Independent Counsel Allegations. The Section is responsible for all Independent Counsel matters under the Ethics in Government Act. The Section supervises any necessary preliminary investigation, and prepares a recommendation to the Attorney General as to whenland the Counsel provisions have been triggered and Whether a further investigation is warranted. The Section has been able to apply a uniform standard and to develop a consistent procedure applicable to each case, ensuring that these matters are properly handled within the stringent time limits of the Act. In 1987, the Section handled several investigations and inquiries under the Act involving allegations against high government officials.

—<u>Investigations of Federal Judges and Federal Law Enforcement Officials</u>. The Rublic Integrity Section has exclusive jurisdiction over allegations against Federal judges. In 1987, the conviction of chief Judge Walter Nixon of the Southern District of Mississippi on charges of perjudy was sustained by the 11th Circuit in an appeal that was handled by the Section. The Section also handles cases involving attempts to corrupt the judicial system, such as the conviction of an individual in New York who solicited money, claiming falsely that he could bribe Federal judges.

Cases involving corruption of Federal law enforcement officials are also a top priority of the Section. For example, in 1987, the 9th Circuit court of Appeals affirmed the perjury conviction of an FBI agent.

-Election Crimes. A special Election Crimes Branch has been part of the Section since 1980, and it has made considerable progress in making election fraud a national priority. The Branch has three major functions. First, it prosecutes selected cases, usually in conjunction with the United States Attorney Office in the District, sach as one organize project in Indiana in which ower 20 convictions for vote fraud and related been clarified, endorsed by the courts, and used with increasing frequency around the country. Second, the Branch provides and support to the United States Attorney Offices in the application of election fraud and campaign financing laws to the myried situations that arise in the course of a campaign and election. Finally, in order to encourage greater awareness of election crimes, the Branch has taken on a major role in comprehensive election crimes manual.

-<u>Conflicts of Interest</u>. A special Conflict of Interest Crimes Branch has been part of the Section's Conflicts of Interest Crimes Branch handles several conflicts presentions each year, and fields many requests for achies from chern Federal approve and presentions and fields many requests for achies from the Federal approve and presentions and fields many requests for achies from the Federal and presentions at high-level Health and Haman Services official who was structuring Federal contracts for his personal financial benefits. The Branch is also devoted to formulating and reviewing legislation in the ethics isw area and preparing Departmental officials for compressional testimony concenting these laws. In addition, beginning in 1989, and continuing through the foreseable fiture, the Section will be playing a satisfactual in the Investigation and also-where.

—<u>Other Section Priorities</u>. The Section has developed valuable expertise and close working relationships with the CIA, the NSA, the State Department, and other agencies with sensitive or international operations, enabling it to investigate and/or prosecute crimes involving sensitive or classified information, and crimes which occur, in whole or in part, overseas. In the past, these cases have received little attention because they are plaqued by evidentlary problems, diplomatic compilications, extremely expensive travel, uncooperative witnesses, and evidence beyond the reach of process. Despite these problems, the Section has actively pursued overseas corruption cases, and has successfully prosecuted American officials for crimes committed abroad.

	Perm.	1989 Appropriat Anticipate erm.	riation	Perm.	930 B	99	Perm.	Zetim	ate	Inch.	ag/ase	Green
Fraud	2	इंड	Ros. W. Amount 80 64 \$5,827	2 00	幸8	Pos. W. Amount 80 69 \$6,229	a R	₹8	Pos. W. Amount 79 68 \$6,220	<u>B</u> d-	호 7	

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LOTG-RADRE Coal: To reduce the incidence of white collar crime through a comprehensive program of prevention, detection, investigation, prosecution, and punishment of white collar crime offenses.

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To conduct fraud prosecutions that require resources exceeding the capacity of individual U.S. Attorneys.

To assist in the formulation of prosecutorial policies and the development of model prosecutions, especially through the conduct of selected litigation, which will serve to demonstrate the viability of particular statutes, theories or techniques.

To develop and enhance local, state, federal and international law enforcement cooperation in combatting white collar crime.

To provide specialized training to prosecutors and investigators on effective techniques and procedures for investigating and prosecuting white collar crime cases. To identify recurring illegal achemes and devise new practices and procedures for minimizing opportunities for criminal conduct.

Base Program Description: The Fraud Section's overall objectives are focused on the priorities of the Economic Crime Council as announced by the Attorney General. The three top priorities are Defense procurement fraud, financial institution fraud and fraud by health care providers. Other Council priorities also enforted by the Attorney General are fraud in the securities and commodities markets, fraud involving government crimes. The primary function of the Fraud Section is the conflat criminal activity; career white collar criminal and locally devastating economic crimes. The primary function of the Fraud Section is the corduct of major criminal investigations and prosecutions. The selection of specific handle the case; compleatly; unique fact pattern or theory of prosecution/linestigations and, contribution to long range prosecutorial goals. Alterney office to auditors directed by Section prosecutors.

The Fraud Section is actively involved in the investigation and prosecution of numerous DOD fraud cases drawn from the nearly \$600 million per day spent by DOD. The Section is responsible for the Defense Procurement Fraud Unit which consists of ten Section prosecutors, one althorisy from the Defense. The Unit's repressibility is to establish and coordinate policy and enforcement priorities in the Department of area. It be find a primary responsibility is to establish and coordinate policy and enforcement priorities in the Defense procurement fraud vith important prosecutorial potential. In addition, the Unit directly investigates and prosecutes some of the most nationally significant cases. It also provides advice, guidance and staff support to United stales Attorney offices in cases that those offices investigates and prosecutes. Section also has three other attorneys assigned full time to the "III Winds" investigation in the Eastern District of Virginia, This investigation focuses on Defense contracting fraud in the Mashington, D.C., area and nationalide.

In the area of financial institution fraud, nine Section attorneys have been spending all or a substantial part of their time on investigations and trials (three trials as of November 1988) undertaken by the Dallas Bank Fraud Task Force. Currently, the Task Force is, in part, composed of force is addressing three new Section attorneys will be assigned to task force work if and when travel funds become available. The task force is addressing fraud associated with the Serious financial institution crisis centered in Dallas but parvasive throughout Texas and several other states, most notably California, Florida, Kansas, Colorado and Oklahoma. In addition, one Section attorney has been assigned as a member of a trial team handling a major case brought by the United States Attorney for the Northern District of Texas and involving a large, failed savings

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and loan and a group of land developers in Dallas. The Section is also leading a major investigation concerning abuse of banks by land developers in Oklahoma and is supporting four other United States Attorneys Offices with individual cases and investigations. In all, 14 Fraud Section attorneys are currently assigned directly to financial institution cases, with additional attorneys providing management and other support. In the Securities Fraud area, three Section attorneys have been assigned to three separate securities fraud related cases and are handling those cases for the three affected United States Attorneys' Offices. The Section attorneys have been active in establishing close working relationships with the various financial institution regulators and in planning and teaching various training programs for Assistant United States Attorneys,

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The Section also provides both leadership and support in more traditional fraud areas. We are involved in the FTL and La Rouche matters; a series of staged accident cases in Georgia; a series of telemarketing scams in Florida; the bribary of IRS officials to obtain retail gasoline tax certificates on Lory labard; an off-shore relinsurance scam operating out of Kansas City, Miami, and the Caribbean; and some fledyling computer related crimes, to name a few. We have also assigned a senior attorney to Oklahoma City to prosecute 250 HID frauds, which may only be the tip of the iceberg in the mid-west.

Section attorneys also provide staff support to projects of the Doonomic Crime Council; the Section Chief serves as Executive Director of the Council. Through this work in particular, Section attorneys maintain organization with several Inspectors General and regulating agencies.

Accomplishments and Workload: The recent experience and projections for the future with regard to litigation for which the Fraud Section is directly responsible are summarized quantitatively in the following table:

Tten Item	1987	1988	Est in	Estimates 282 1990
naturally: Partitud - hardroing of waar	170	7	3.5	5.
Opened	166	8	181	8
Clused	189	131	180	8
Pending, end of year	156	115	115	115
Cases (lead prosecution):				
Pending, beginning of year	52	33	47	42
Opened	56	25	20	S
Closed	18	38	20	\$
Pending, end of year	8	42	42	\$

In direct response to the recent Justice Management Division (JMD) Study recommendations to assure the accuracy of workload data reported, the Fraud Section re-examined its reporting of accomplishments and workload inputs. Statistics now accurately reflect the number of investigations and prescutions predigning at the beginning of the year plus investigations opened the inheritation for the beginning of the year plus investigations opened thering the year, handled in FY 1987 was 370. In 1988, the total number of cases processed by the Section is projected at 361, and by 1990, at the request level, 406 cases will be handled. It is also important to note that as a direct result of reprioritization of staff resources, the number of investigations opened in 1988 increased 8 percent over 1987. The number of new investigations expected to be opened in 1990 over 1980 as estimated at 22 percent. Not reflected in the statistics is that the Section has disengaged itself from processing of routine fraud cases, leaving those to the U.S. Attorneys offices, and instead has focused its resources on the more complex and non-routine cases such as those involving case procurement.

During 1987 and 1988, the Fraud Section's Defense Procurement Fraud Unit continued to pursue cases involving cost issues, such as mischarging and defective pricing, and cases involving defective products and testing. In addition, the Unit significantly stepped up its efforts in cases involving the transfer, sale, and misuse of Government and contractor proprietary, source selection, acquisition, and shalks information. Working and defective pricing on Navy contracts for the Navy's Hoselix and Standard Missile Programs and Stallite communications System. Notorola paid over 516 million in criminal fines, restlictution, and civil penalties. Surstrand Data Control, Inc., also pled quilty to the submission of a false claim regarding their overhead accounts, resulting in moretary recoveries to the United Sates Government in access of \$13 million. The Defense Procurement Fraud Unit also obtained prison sentences to chalking it years against seven individuals who had engaged in kickback schemes and the improper sale of proprietary bid information on Defense contracts.

The Unit also played a major role in the Department of Defense's Voluntary Disclosure Program for Defense Contractors. In one of the first cases under the program, Raymod Y.C. Ho, President of Zeta Laboratories, Inc., and William E. Fogarty, Zeta's Chief financial offices, each pled guilty to two fellowes for engaging in a conspiracy to commit frauchilent labor mischarging in excess of \$4 million on Defense contracts. Approximately \$22 million has been recovered.

The Unit also successfully prosecuted the ATID Corporation in a defective products case for the submission of false cartifications in connection with providing defective products to DOD. Lastly, large civil recoveries were obtained against significant Defense contractors on investigations handled by the Unit. Although these investigations did not result in any indictments or convictions, investigations conducted by the Unit resulted in the following civil recoveries under the False Claims Act: \$7 million from Ford Aerospace, \$1.6 million from McDonnell Douglas Corporation, and \$430,000 from Martin Marietta Corporation.

Bank fraud continues to be a serious national law enforcement problem. The worst problems are in Texas, Oklahoma, Kansas and California, Several convictions for fraud leading to bank failures were obtained by Section attorneys in 1987 in Ohio, Texas and Kansas. In Dallas, a task force consisting of eight Section attorneys, three Assistant United States Attorneys, one Special Assistant United States Attorney, more than twenty FBI agents, and a contingent from the Internal Reverue Service, has been conducting investigations and prosecutions stemming from referrals involving over four hundred subjects and over twenty financial institutions. The task force has brought felony charges against 19 individuals and obtained 12 convictions as of the end of 1988.

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Program change represents productivity and management savings of 1 position, 1 workyear and \$9,000.

ecreage.	Amount
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	35 29 \$2,544
1990 Estimate	3 2
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riation sated	Amount \$2,368
ricio Vitticu	28 W
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	Narcotic & dangerous drug

LONG-RANGE GOAL: To combat the growth of major national and international criminal enterprises involved in drug trafficking and money laundering. Major Objectives: To assist in the formulation of Rederal drug prosecution policies, including the development of innovative investigative and prosecutorial methods and the enhancement or modification of existing statutory authorities that foster more effective drug enforcement.

To prosecute directly and/or to assist U.S. Attorneys in major international and multi-district cases involving the most significant violators and to implement invocative prosecutorial methods, especially in the area of narcotics-related financial investigations.

To furnish instruction that will improve the effectiveness of federal enforcement agents and prosecutors who are responsible for investigating and litigating drug cases.

To supervise and participate in litigation concerning the Money Laundaring Control Act, 18 U.S.C. Section 1956, 1957,

To promote interagency and inter-jurisdictional cooperation in the conduct of drug investigations and drug prosecutions.

To provide legal advice to the Executive Director of the Organized Crime Drug Enforcement Program and to otherwise assist the Director in matters pertaining to policy, implementation and evaluation of the program.

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To assist in the implementation of the National Drug Policy Board Prosecution Strategy by maintaining a national inventory of targeted narrotics enterprise. Assist in developing training programs for State and local prosecutors, preparing training materials and sponsoring pilot programs.

A CONTRACTOR

Base Program Description: This program works to alleviate the conceptual and operational problems that have limited the effectiveness of the national drug enforcement effort. Its efforts involve organizing major investigations and prosecutions that extend traditional methods, assuming direct responsibility for the prosecution of specific cases and providing legal support, in the form of instruction and advice, to drug enforcement and prosecution of specific cases is exemplified by the narrotics movely laundaring task forces. These highly sand obtaining the forcement operations are directed at identifying the assets and profits of lilegal drug trafficking organizations and then saizing and obtaining the forcement operations are directed at identifying the money laundarers. These efforts of disrupt the financial arrangements supporting drug distribution networks are conducted in addition to the prosecution of offenders under the drug laws. This program has provided hards-on training for enforcement agents and prosecutors in the financial aspects of drug cases. The program recognizes the responsibilities anticipated in the National Prosecution Strategy of targeting major multi-attein and multi-state drug cartels and insuring that its members are adequated, It also recognizes the need to train state and local prosecutors to more vigorously contribute to the war on drugs.

Accountistments and Workload: The recent experience and projections for the future with regard to litigation for which the Narcotic and Dangerous Drug Section is directly responsible are represented quantitatively in the following table:

Item Item	1987	1988	Estimates 1989 19	1990
Pending, beginning of year. Opened. Closed. Pending, end of year.	14 48 30 31	31 31 59	59 28 78	24 28 97
Item Cases (lead prosecution):	1987	1988	Estimates 1989 19	1990
Pending, beginning of year. Opened. Closed. Pending, end of year.	19 23 52	52 35 39	38 26 51	38 30 20 20

| Disposition of defendants | 1987 | 1988 | Estimates | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 1980 | 19

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The Narcotic and Dangarous Drug Section, in addition to providing policy and advisory support, continues to prosecute high-level drug trafficking organizations, including the investigative development of tax, money-laundaring and asset forfeiture aspects of the drug traffickers' activities. The Section also continues milit-district investigations of nation/de trafficking organizations and participates in the prosecution of some of the cases which result. Section lawyers continue to provide support to U.S. Attorneys, assisting in the trial of narcotics cases or assaming the responsibility for cases in the event of recusal by a U.S. Attorney. During 1988, two additional attorneys were assigned to the field, one each in Sa Attorney and San Francisco, California, to work directly with the investigative agencies in the development and prosecution of narcotics cases, with particular emphasis on morey laundering. This brings to a total of 6 Section attorneys assigned to the field, including four previously assigned to Operation Greenbeed in Miami, Florida, and San Juan, Phetro Rico. Successful prosecution of these cases has led to millions of dollars in assets being seized or forfeited.

The Section also provides advice to U.S. Attorneys on matters partaining to the investigation and prosecution of drug cases. Additional demands are now being made for support and advice resulting from the recently enacted Anti-Drug Abuse Act of 1988. Combined with the increese in pending matters at the beginning of 1989, present litigation staff will be hard pressed to provide responsive support.

The Section continues to be at the forefront of providing prosecutors with model strategies and methodologies, communicating these through the periodic publication of the <u>Narcotics. Forfeiture and Money Laundering Undate</u>. In the first few weeks of 1989, staff attorneys were devoted to drafting synopsis of the provisions of the Anti-Drug Abuse Act of 1988.

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1990 Estimate	10 28 \$2,307
Esti	¥ 8
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986	Pos. W. Amount 30 28 \$2,307
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989 Appropriation Anticipated	30 28 \$2,156
Approp Anticu	¥ 8
1989	S
i.e.	Internal security

<u>Long-Ranne Goal</u>: To enforce, in an effective and uniform manner, approximately 100 criminal statutes and requiations affecting the national security and foreign relations of the United States.

Major objectives:

To investigate and litigate cases and matters in the area of national security.

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To provide oversight and supervision of all prosecutions involving the Neutrality statutes, the Espionage statutes, the Arms Export Control Act, the Export Administration Act and the Classified Information Procedures Act.

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To provide legal support and investigate guidance to all Federal investigative agencies engaged in national security matters.

To administer and enforce the Foreign Agents Registration Act (FARA) and two additional registration statutes.

To enforce the Federal Regulation of Lobbying Act, a conflict of interest statute, and a portion of the Federal Election Campaign Act of 1976,

To provide assistance to Members of Congress and all other appropriate officials involved in the regulation of lothying.

States by: supervising investigations and processtatutes and regulations relating to the national security and foreign relations; providing legal and policy guidance to the U.S. Attorneys, law enforcement agencies, the U.S. intelligence community, and the intelligence agencies of allied nations in the area of national security litigation; administering and enforcing the RNA, including the registration of representatives of foreign governments and entities appearly litigation; administering and enforcing the RNA, including the registration of representatives of foreign governments and legal support to U.S. Attorneys in the areas of policy interpretation, legal research, and the draftling of indichments, pleadings and other legal support to U.S. Attorneys in the areas of policy interpretation, legal research, and the draftling of indichments provided legals actions; developing, cases such as espionage, neutrality, anne apport control and export administration violations and cases involving the Classified Information Proceedures Act; participating in international conferences involving the enforcement of NATO export control mechanisms through the Coordinating committee for Multi-Mational Export controls (COCM); and participating in extremely sensitive matters such as prisons exchanges with Soviet bloc

Accornisments and Morkload: The recent experience and projections for the Anture with regard to litigation for which the Internal Security Section is directly responsible are summarized quantitatively in the following table:

Item Matters:	1987	1988	Estimates 1989 199	1930
Pending, beginning of year. Opened closed closed Pending, end of year.	100 75 65 110	110 80 70 120	120 80 70 130	130 80 140

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Item	1987	1288	1282 1282	Estimates 189 1990	
Cases (lead prosecution):					
Pending, beginning of year	52	8	32	4	
Opened	22	25	22	52	
Closed	17	20	20	50	
Perding, end of year	9	32	40	45	
Disposition of defendants in cases litigated:					
Carry ictions	#	69	75	75	
Acquittals/dismissals	~	n	I	1	
Other dispositions (transfers to U.S. Attorneys, deaths)	-	I		•	

Available workload data indicates that the Section will handle 10 percent more cases in Fiscal Year 1988 than it did in 1987. Individually, the number of investigations and prosecutions pending at year's end will have increased 9 and 17 percent, respectively. By 1989, the overall marber of cases will increase an additional 7 percent, and by 1980 another 6 percent. The increases have resulted from agained case work of the Export control and Exploracy Butters in registrants and matters handled by the Registration Unit. Also, there has been an increase in resistants have expended as Arbstantial and an expectation broadures Act arising out of criminal prosecutions involving exploracy and drug related offeres. For example, Section attorneys have experiently abstratical amount of effort in assisting the Independent coursel in the handling of huntreds of on the handling of national security issues during litigation.

Increase/Decrease.	Ros. W. Amount
	Pos. WY. Amount 46 40 \$3,510
1990 Base	Pos. W. Amount 46 40 \$3,510
1989 Appropriation Anticipated Perm.	Ros. W. Amount 46 38 \$3,279
	General litigation and legal advice

Long-Range Goal: To achieve directly, or through assistance to the U.S. Attorneys, the prompt disposition of all matters within the six major law enforcement responsibilities of the program, and to improve the efficiency and effectiveness of Rederal, State and local criminal law enforcement efforts through the encouragement of improved intergovernmental coordination and cooperation.

Major Objectives:

To develop and implement enforcement programs in certain key statutory areas where special requirements indicate the need for centralization.

To develop and prosecute major cases under a vast range of statutes due to recusal, lack of resources or lack of pertinent expertise in U.S. Attorney Offices.

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To defend civil suits seeking to obtain information on or to interfere with criminal justice activities and national security operations.

To provide support to the U.S. Attorneys in the conduct of all litigation within the program's subject areas.

To coordinate and participate in crime resistance programs related to the program's statutory responsibilities, including the encouragement of voluntary involvement by corporations and individuals in the private sector in crime resistance efforts.

To provide legal and policy advice to the Assistant Attorney General, Associate Attorney General, Deputy Attorney General, and Attorney General, as well as other components of the Department, on issues of major importance to the Department.

the Public - This includes kidnapping, extortion, bank rothery, riot, firearms and explosives violations, arson, fugitive felous, motor vehicle their final colludes kidnapping, extortion, bank rothery, riot, firearms and explosives violations, arson, fugitive felous, motor vehicle theft, false identification crimes, intersportation of stoolen property, and offenses on Federal or Indian reservations or on the high ceas. (2) Grimes Analysis Covernment property, converted the president, violations of the foliations destruction of Government property, converted the president of Government property, converted the president of Government property, converted the president of Government property, converted the property of Government property, converted the property of Government property, converted the protections of the personation and institution of Government property, converted the protection of peature of Government property, converted the protection, and then the personation, and immigration of fereses. (3) Reculatory Enforcement - This relates to voloations of criminally enforceable regulations which have been promulgated by such agencies as the Departments of Agriculture, Commerce, Interior, labor, State, Transportation, and the analy these areas of regulation are offeres related to the forceable in the protection of health, safety, and welfare. Included among these areas of regulation are offered to the forceable industrial esplonage violations. (4) Tarroting—Includes relations to the Industrial esplonage violations of reagonsibility of other Societies. In addition, of the Agriculture pertains the part of the Industrial convention of aircraft and aircraft facilities and rewards. This area also includes the Section's Department of the Agriculture pertains for the purpose of suits challed to be force of the Industrial comments of the defense of suits challed and prison offenses. (6) Special Civil Lighters—This relates to the defense of suits challed and prison offenses. (6) Special Civil Industrial against the G course of criminal or national security investigations Approximately 75 percent of all Federal criminal statutes are assigned to the program, including many violent crimes and most Federal "street" crimes. In priority or sensitive criminal areas, the program serves as an enforcement entity, prosecuting and assisting in the prosecution of cases, and coordinating the various U.S. Attorney offices and investigative agencies. When a matter is likely to marit prosecution by Section attorneys, the agencies immediately advise the Section of the initiation of an investigation, thus affording the opportunity for Section attorneys to provide guidance on crucial aspects of the investigation. In a more general way, the Section supports litigation by drafting or commenting on proposed legislation. Legislation can overcome the long-run effects of an adverse decision and usually has an effect on both the scope and nature of future litigation. To conserve Federal litigation resources, Section attorneys also interact with the private sector, e.g., industry and

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Accomplishments and Workload: The recent experience and projections for the future with regard to litigation for which the General Litigation and Lagal Advice Section is directly responsible are summarized quantitatively in the following table:

			ESCIMATES	Na Ces	
Item Matters:	1987	1988	1989	1990	
Perding, beginning of year	24	41	46	25	
Opened	34	46	8	62	
Closed	17	41	ŝ	21	
Pending, end of year	41	46	25	22	
Cases (lead prosecution):					
Pending, beginning of year	9	7	77	15	
Opened	11	~	7	ឧ	
Closed	7	4	9	80	
Pending, and of year	7	7	ST	13	
<u>Discosition of defendants</u> in cases litigated:					
Convictions	18	9	77	17	
Acquittals/dismissals	4	34	e	n	
Other dispositions (transfers to U.S. Attorneys, deaths)	-	~	-	-	

* One of the acquittals involved 14 defendants. This was an unusual case and therefore is being counted as 1 acquittal.

Ourrently, the primary enforcement initiatives of the General Litigation and Legal Advice Section involve combatting terrorism, immigration offerses, environmental crimes, and nuclear safety. Increases in investigations and cases are due to increased terrorist activities and reflect an increase in workload generated from expanded activity in environmental crimes and nuclear safety initiatives.

—<u>Terrorism</u>. The Section is combatting terrorism through exhaustive investigation and vigorous prosecution of parsons responsible for terrorist acts. To upprade its response to terrorism, the Department created within the Section a Counter-Terrorism Management Group, headed by a senior attorney experienced in terrorism prosecutions. The signal accomplishment was the arrest and indictment of Pawaz Yunis, a Shilte Meslem, for the hillacting of a Royal Jordanian aircraft at Beint, Lebanon, with four Americans on board. His arrest represents the first overseas arrest by U.S. laws.

Other investigations currently pending in the Section include, among others: (1) the hijacking of TWA Flight 847 by Shilte terrorists; (2) the hijacking of Spytair Flight 648, flying from Athens en route to Cairo, and diverting it to Malta; (4) the attempted bombing of the U.S. Embassy at Jakarta, Indonesia; (5) the bombing of a Pan Am Airlines jet en route to Kinculuu, Hamail; (6) the bombings of USO Clubs in Barcelona, Spain, and Naples, Italy; (7) the murder of a U.S. military attached in Athens, Greeces; (8) the bombing of the American Embassy in Rome; (9) the murder of four U.S. Marines in El Salvador; and (10) the bombing of Pan Am Flight 103 in route to New York from Great Eritain. Section attorneys participated in the prosecution of 14 membars of certain violent, white supremacist groups who conspired to murder elected Federal officials as part of a plan to overthrow the government and are participating in the prosecution of 16 defendants, many of whom are leaders of violent Pherto Rican independence groups, for the robbery of \$6,956,520 from a Wells Fargo facility.

Mary Walter

—<u>Immigration offerses</u>. The decision to commit the Section to an enforcement initiative in this area reflects a commitment to assist the Immigration and Naturalization Service (INS) in its enforcement of the Immigration Reform and Control Act of 1986. By enacting this legislation, Congress recognized that "employment is the magnet that attracts aliens here illegally." This enforcement initiative is designed to complement INS' can efforts and to promote that each are policy of the Congress to remove these economic incentives to illegal immigration by penalizing employment of illegal aliens. To that end, the Section litigates selected cases, develops policy, reviews proposed INS undercover operations, participates in training exercises and assists in implementing an enforcement program.

--Environmental Crimes. As a result of a July 1987 intardivisional agreement between the Criminal Division and the Land and Natural Resources Division, the Section participates in a working group focusing on the investigation and prosecution of environmental criminal cases involving fraud against the Government, drugs, public corruption and organized crime. Seven matters involving hazardous waste are under investigation.

-<u>inclear Safety</u>. This initiative is based on the potentially catastrophic corsequences which can emanate from nuclear disasters and the difficulties inherent in prosecuting nuclear regulatory cases. The Section reviews all Nuclear Regulatory Comission referrals of criminal conversations. Eighteen such cases and investigations are pending in the Section. Section attorneys and personnel of the Nuclear Regulatory Comission have developed a memoratum of understanding relating to criminal referrals and the problems of parallel administrative and criminal proceedings, which are particularly difficult in the field of nuclear power because of significant public health and safety consequences.

The number of cases and matters that fall within the environmental crimes and nuclear safety initiatives are growing at a fast pace. For example, since January 1, 1988, the number of environmental crimes matters has more than doubled and the number of nuclear safety cases and investigations has grown from 12 to 15. In addition, the Section defends civil suits seeking to obtain information or to interfere with criminal justice activities and national security operations. The Section successfully defended Bureau of Prisons regulations concerning administrative handling of certain parole eligibility matters and treatment of mentally ill offenders. Section attorneys obtained a favorable Circuit Court ruling concerning special diets in Federal prisons and obtained a Circuit Court ruling that attorney fees under the Equal Access to Justice Act do not apply to habeas cases.

The Section also supports United States Attorneys and other Department components in the conduct of other litigation. For example, a Section attorney participated in the Lotton Reformatory Task Porce in the Eastern District of Virginia which was established as a result of several riots and other violence at Lorton. The attorney handled cases that resulted in 10 convictions. Another Section attorney participated in the investigation and prosecution of six individuals for their participation in the shocking at two trucks carrying coal during a violent coal strike

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that resulted in one driver being killed and the other wounded.

Recently, the Section developed standardized jury instructions for use in trademark counterfeiting cases and special pleadings and procedures be used in disposing of goods with counterfeit trademarks which are seized by the Government.

Crime resistance is often the most cost effective way to reduce crime. In this regard, the Section has worked with the National Cummittee on Uniform Traffic Laws and Ordinances to improve the provisions of the Uniform Vehicle Code (which serves as the model state code for vehicular matters) relating to the tiling and registration of motor vehicles, controls over vehicle salvage, and criminal laws relating to the theft and disposition of stolan vehicles. The Section has also unyed the National Highway Traffic and Safety Administration to promitaty Federal component identification standards, thereby encouraging more vehicle manufacturers and convers to apply the vehicle identification number (VIN) to additional components of the vehicle in order to deter theft. The Department has also lectured and participated in seminars to spread awareness in the law enforcement committy about the new mandate on Federal component identification standards that requires the VIN to be placed on up to

The Section regularly provides legal advice to the various components of the Department on complex issues. For example, in terrorism cases, Section attorneys advise on the extent and nature of our extraterritorial law enforcement jurisdiction. The Section also initiated legislation to ament on extraction of justice provisions and helped to development of participated advelopment of new international nature is section as section is sometime and international aliports and against maritime shipping. Further, the Section is coordinating the preparation of an Indictment Form Book which will serve as a resource for all Federal

	1989	99 Appropri	ated	E	8 066	88	100	1990 Estimate	ate	Inc	Q/esta	crease
Office of special investigations	₽ 2	¥ %	Rog. WY Amount 47 36 \$3,557	B 8	₹ 	Ros. 47 Amount 47 \$3,793	8	롲	Pos. W. Amount 45 45 \$3,776	2007	Pos. WX	Amount -\$17

<u>long-Range Goo</u>l: To locate, investigate, denaturalize and deport individuals who concealed activity committed during World War II involving the persecution of others because of race, religion, national origin, or political opinion, in order to gain entrance to the United States.

Major Objectives

To identify all alleged Mazi war criminals living in the United States.

To review and investigate systematically all relevant allegations received by the program.

To prosecute appropriate cases.

To develop and maintain working relationships with foreign goverrments having information relating to the activities of suspected Nazi war

To prevent entry of nazi persecutors into the United States.

deport any individual who assisted the Nazis by persouting any person because of race, religion, national origin or political opinion, who later was admitted as an alian into, or became a naturalized citizen of, the United States. The activities of this program include historical research, sile review, investigations, witness interviews in the U.S. and abroad, litigation support, and denaturalization/deportation litigation before abministrative bodies and U.S. courts. There are four major phases of work: (1) identification, consisting of matching a name of a United States resident to an allegation of surpcines, and opening an Office of Special Investigations (03) file on that person; (2) investigation of suspects (3) filling litigation; and, (4) appeals of judgment or other final orders. Four types of litigation action may be conducted: (1) if the subject is a naturalized citizen, a civil complaint may be filed in the U.S. District Court seeking a judgment of denaturalization; (2) for resident allers (including denaturalized citizens), administrative proceedings are brought to seek thair deportation; and any litigation and (4) extractions and (4) extractions and (4) extractions and (4) extractions; and other crimes within the statute of limitations; and that is the basis for phase begins when the complaint/order to Show Cause/Indictment is filed; it ends with the judgment or the final order, and that is the basis for appeal.

<u>Accomplishments and Workload</u>: The recent experience and projections for the future of the Office of Special Investigations is summarized quantitatively in the following table:

			Estimates	ates
Item	1987	1988	1989	1990
Investigative Matters:				
Pending, beginning of year	533	604	285	614
Opened	116	20	84	S
Closed	45	33	22	ည
Pending, and of year	604	585	614	614
: 888 7				
Pending, beginning of year. Opened Closed Fending, end of year.	27 24 8	22 12 23	23 5 34	3,8 °5,4

Some of the most recent accomplishments of the Office of Special Investigations include the following:

Denaturalization of an additional seven war criminals in 1988, bringing the total denaturalized to date to 30.

- Permanent departure from the U.S. of seven Nazi war criminals in calendar year 1988, bringing the total of permanent departures to 23. 1
- Completion of an extensive investigation and report of the connection between Robert Verbelen, an accused Nazi war criminal living in Vienna, and the United States occupation and intelligence forces during the close of World War II. The investigation involved two years of archival research in the United States and abroad and numerous interviews with key participants.
- In addition, we have been rendering an increasing amount of assistance to Australia and Canada, which governments have recently established units similar to CSI. We expect that requests for assistance will increase significantly in the coming year. Also, Great Britain is contemplating taking action against Nazis, in which case we will be asked to aid in their efforts. I
- Hungarian and East German Governments have indicated a willingness to avail OSI of information from their archives which is expected to result in new cases.

OSI has been "proactive" in its investigations, not merely waiting for allegations from outside sources. A computer database and data retrieval system to assist in the identification of potential subjects for prosecution has been designed in house. The database is the most complete collection in the world of potential Mazi criminals and persocutors. This system has resulted in hundreds of investigative files and the collection of approximately 20 cases. Ters of thousands Mazi war criminals have been barred entry into the United States as a result of this system.

1990 Base 1990 Estimate Increase/Decrease	Perm.	Pos. W. Amount Ros. NY. Amount Ros. NY. Amount	45 45 \$3,776 -2 -2
Program Charges:			Office of special investigations

Program change represents productivity and management savings of 2 positions, 2 workyears and \$17,000.

Office of special investigations.....

crease	Amount \$109
ease/De	1
Firm.	22
nate	Amount \$7,882
0 Esti	Pos. MX. 126 118
Perm.	126 126
986	Amount 5
1990 B	POS. WX.
Perm.	124 124
pated	Amount \$7,191
Approp	¥11
Perm	125 125

LONG-RAIDE COAL: To provide the legal assistance and central coordination necessary to maximize the effectiveness of Federal criminal law enforcement.

Major Objectives:

Prosecution support.....

International Affairs

To promote the negotiation of treaties with foreign governments that will improve the ability of the United States to extradite fugitives, to

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acquire evidence, to transfer prisoners, and to accomplish other purposes which will aid the criminal justice system in the United States.

To assist Federal and state authorities in obtaining fugitives, evidence and legal assistance from foreign governments.

To represent, or supervise the legal representation of, foreign governments' extradition and evidence requests in U.S. courts.

To monitor the execution of Prisoner Transfer treaties so as to minimize any delay in transporting prisoners eligible for transfer to their countries of nationality.

Enforcement Operations

To provide effective and reliable service to Federal prosecuting attorneys in the implementation of the statutes and regulations that affect them. To maintain a legal brief and policy memoranda bank and to integrate into the legal brief bank the briefs in opposition to petitions for writs of certiorari and the Solicitor General appeal memoranda that are generated by the Division.

To maintain an up-to-date <u>U.S. Attorners' Manual</u> and prepare Criminal Division updates on a regular basis so that all portions of the Division's contribution to the <u>Manual</u> will remain current and informative.

To coordinate responses to Freedom of Information Act and Privacy Act requests pertaining to the Criminal Division.

To review requests for authorization of electronic surveillance and recommend authorization or disapproval of requests pursuant to 18 U.S.C. 2518 in an expeditious manner.

To perform the appropriate review of witness relocation requests and deal with the myriad matters associated with the Witness Security Program,

To renew requests from U.S. Attorneys to immunize witnesses in federal cases pursuant to 18 U.S.C. 600 et. seq.

- To litigate and assist U.S. Attorney Offices in litigating forfeiture cases where:
 (a) major cases arise in districts in which the U.S. Attorney Offices lack the expertise or personnel to conduct the case effectively.
 (b) backlogs of forfeiture cases arise because of other demands on U.S. Attorney Offices.

To advise and train investigative agents and Assistant U.S. Attorneys to make greater use of forfeiture provisions and better manage seized and forfeited assets.

To process and resolve petitions for remission and mitigation in judicial forfeiture cases.

To support directly the U.S. Marshals Service and investigative agencies in improving the management of seized and forfeited property.

To review all settlements in forfeiture cases in which the difference between the gross amount of the original forfeiture claim exceeds \$60,000 but is less than \$750,000.

To encourage coordination with state and local authorities on forfeiture matters.

provide legal advice and assistance to United States Attorney Offices regarding the collection of criminal fines and appearance bond forfeiture

the Department's responsibilities concerning international legal matters related to criminal law enforcement in the areas of extradition and international legal matters related to criminal law enforcement in the areas of extradition and international legal assistance. The handling of treaty ready thelementation and international legal assistance requires effective liaison between 01A and numerous foreign and demestic entities, including Department of State, foreign governments and INTRAPOL. To assure that extradition requests submitted by the United States meet the requirements of the relevant extradition treaties, 01A advises Federal and state processories on the preparation of all United States meet the requirements of the international requests submitted by the United States courts. Included among cases handled by 01A are some of the most important narroxides trafficking, fraud, and violent crime cases prosecuted in this country and abroad. Similarly, to assure that requests submitted by the United States central Authority under the treaties in original matters meet the requirements of the applicable treaties, and screens or redrafts them prior to transmittal. Mutual assistance treaties with Canada, the Bahamas, and the Cayman Islands are expected to enter into force in 1988, greatly increasing the demands placed on the Office. When, because of the lack of a mutual assistance treaties and requests mutal assistance requests of the lack of a mutual assistance requests contransmit to a certain processing to the contradition of the lackers requests before assistance requests before assistance requests of the lack of a mutual assistance requests of the original contransmit of the most important investigations and processurions in this country, e.g., investigations of the internation of several processor and processured to an extension of the most important investigations of advanced technology goods, such as computers which could be used in veneral or advanced to enhance the processure of advanced to enhance the

Through the office of Enforcement Operations (OED), the Criminal Division regulates the effective and appropriate use of sensitive investigative techniques such as wiretaps, consensual monitoring and witness relocations through the application of uniform procedural guidelines by specially trained attorneys and paralegals. These invividuals maintain effective listons with the U.S. Attorney offices, organized Crime Strike Forces, u.S. Harshals Service, the Federal Harson System, the Federal Burson of Investigation, and all other applicable Federal, state and local investigative agencies. The office of Enforcement Operations possesses full responsibility to review and approve or disapprove requests from U.S. Attorneys, investigative agencies, and Congressional committees to place individuals believed to be endangered by organized crime figures in the Witness Security Program. It is responsible for coordination among Government prosecutors; investigative agencies, and U.S. Marshals Service Personnel, the conduct of cases requiring witness protection, and participation in litigation arising out of the program, in cases where the United States is named as a party by virtue of any action taken or not taken with respect to the program. (Title 18, United States Code, Section

The Office of Enforcement Operations is responsible for the review, adjudication, and coordination of all applications for electronic surveillance

recommendation to be made directly to the Assistant Atomey General. It participates in and, as required, conducts litigation arising from the grant of an application for electronic surveillance, and is responsible for performing oraping analysis, review, and independent of the application for electronic surveillance, and is responsible for performing oraping analysis, review, and independent of the application for electronic surveillance, and processes all requests received from U.S. Attorney Offices and Organized Crime Strike Forces for withress immulty pursuant to 18 U.S.C. 600 <u>et seq.</u>; 000 makes the final recommendation to the Assistant Atomey Offices and Organized Crime Strike Forces for withress immulty pursuant to 18 U.S.C. 600 <u>et seq.</u>; 000 makes the final recommendation to the Assistant Atomey Offices with a supproval or rejection of such requests. In addition, 000 provides the various components of the Division and the U.S. Attorney Offices with a vide carry of Iligative assistance and processing requests for withress hyprosis in the federal vide carry processing requests for disclosure Act of 1976, as amended; processing requests for disclosure of a search warrant for documentary material in the possession of a disinterested third party; updating requests for permission to seek issuance of a search warrant for documentary material in the possession of a disinterested third party; updating requests portion of the United States Attorney Fractorial and records of the Division; maintaining the Legal Reference Unit; a legal brief and policy memorandum bank for use by Division attorneys and paralegals; responding to citizen mail on criminal maters by the Correspondence Unit; and processing requests to subpose attorneys and paralegals; responding to citizen mail on criminal maters by the Correspondence Unit; and provision of these services is accomplished through close liaison between OBD and littigating components of the Criminal Division and properties are expected to be implemented with at least three

Prosecution support also includes the Asset Porfeiture office which was created in June 1983 through a reorganization of the Criminal Division. The responsibilities of this Office include the conduct of civil and criminal asset forfeiture litigation, the development of policies which incorporate asset forfeiture into an overall law enforcement program and the improvement of existing practices regarding the management of sealed management of sealed assets. Forfeitures are an important part of law enforcement because forfeitures allow the Government to conflictate property that lawbreakers use to commit crimes, e.g., the airplanes and boats they use to sample narcotics into the country and the cash they use to buy drups for recale. By removing this working capital from criminals, forfeitures make it more difficult for lawbreakers to operate. By seizing the fruits of crime, e.g., the stocks and bonds purchased with money traceable to drug sales, or a business acquired by a pattern of racketeering extinity forfeitures further deter lawbreaking by taking the profit out of crime. Forfeiting criminal profits also promotes justice, because criminals should not grow rich from their violations.

becamplishments and Workload: A quantitative summary of the prosecution support workload is presented in the following tables:

1990	761
Estimates 1989 199	240
1988	192 419
1987	239
Item Roreign Extradition:	Requests Received

						pending matters per OIA attorney. These statistics represent the number of matters (formal cases, investigations, requests tance) which are pending as of December 29, 1988. Matters can be considered pending because: the inglitive(s) has not been ing for the requested information; and interim legal proceedings have not been concluded. The information on pending matters a result of the implementation of a database system to capture this information. As time progresses, the Division will be remained as to matters resolved within a fiscal year and matters still pending.	
Estimates 1989 1990	280		295		385	ber of mat sidered pe not been nformation pending.	1990 5,000 1,300 2,200 2,200 319 400 125
Est 1989	490		255		230	t the num an be con lings have ure this i	1989 5,000 1,300 2,200 200 300 350 350 125
1988	428 1,104		246 525		237 683	s represer Matters of al procesor a to captur r and matt	2,143 2,143 2,143 205 297 250 153
1987	333		216		138	statistics, 1988. terim legase systemiscal year	1987 4,599 1,329 1,758 1,758 173 227 171 46
Item U.S. Extradition:	Requests Transmitted	Foreign Legal Assistance:	Requests Received	U.S. Legal Assistance:	Requests Transmitted	This amounts to 140 pending matters per OIA attorney. These statistics represent the number of matters (formal cases, investigations, requests for advice and assistance) which are pending as of December 29, 1988. Matters can be considered pending because: the inglitive(s) has not been located; we are waiting for the requested information; and interim legal proceedings have not been concluded. The information on pending matters is now available as a result of the implementation of a database system to capture this information. As time progresses, the Division will be able to provide information as to matters resolved within a fiscal year and matters still pending.	Witness Immunities issued FOL/PA Requests Received. Title III Applications Reviewed. Consensual Wiretap Applications Reviewed. Witnesses Accepted in Protection Program. Witness Security Applications Received. Prisoner Transfer Requests Received. Prisoner Transfer Requests Approved/Transferred. Victim Compensation Matters Received.

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			Estimates	nates
Item Forfeiture Cases (lead prosecution)*:	1987	1988	1989	1330
Pending, beginning of year	9 2	19	23	8:
Closed	88	9 (1	w	12
Pending, end of year	9	73	53	81
Petitions for Remission/Mitigation Reviewed	450 50	60 60	600 70	00 02
Equitable Sharing Reguests	•		-	
Pending, beginning of year	437	920	1,156	1,506
palago	793	974	1,150	1,200
Closed	280	768	800	8
Pending, end of year.	950	1,156	1,506	1,806

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Beginning in 1988, work load data displayed for forfeiture cases reflects only cases in which the Asset Forfeiture Office has sole prosecutorial responsibilities.

During the past year, the Office of International Affairs continued with its program of negotiating new treaties, primarily extradition and matual legal assistance treaties. The Office completed a six-year effort to replace the extradition treaty with Switzerland, and signed a Memorandam of Understanding with the Swiss clarityling the existing Matual Assistance Treaty. The process of replacing outcoded extradition treaties and negotiating new matual assistance exprements continues as resources permit. Supplemental extradition treaties were negotiated with Canada, the Federal Republic of Genmany and Spain. Old attorneys participated in the Council of Burope's multilateral negotiation of a judicial assistance treaties (Canada, Mexico, Bahamas, Cayman Islands, Belgium, and Thailand) were reported out of the Senate Portign Relations Committee. Unfortunately, Congress adjourned before the Senate could vote to ratify them. The Attorney General and other Department principals drew heavily on OIA's expertise in international affairs when preparing to participate in international law enforcement conferences during the past year.

The Office was able to provide prosecutors with expert advice and assistance on numerous occasions. Several of the most noteworthy instances included the assistance provided to U.S. Attorneys Offices during pretrial motions in the cases involving General Norlega, assistance provided to the Library in the destrictions in the investigation of the death of DRA Agent Durique Camerera, and the assistance provided to the Pederal Republic of Generary in the acquisition and preservation of evidence for the Hamadai trial. OIA also devoted substantial resources to requests for international assistance related to the Iran/Contra and Marcos investigations.

The Office also handled a number of significant cases involving the return of fugitives to the United States by way of extradition, including those of Veronica Wahl, a major occaine trafficker and the first person extradited from Maxico in approximately 50 years. OIA also worked closely with the General Litigation and Legal Advices Section concerning the return of Fawaz Yunis to face terrorism charges. The Office handled the extradition of several internationally significant Angitives from the United States, including Carlos Guillermo Suarez Mason, a former Argentine Military General who was extradited to Argentine for thirty nine counts of murder.

During 1987 and 1988, over 1,400 electronic surveillance authorizations were processed to approval by the Office of Enforcement Operations.

During 1986, 1987 and 1988 combined, close to 1,900 requests for electronic surveillance were recorded and processed. A survey indicates that over 95 percent of targeted interceptees indicated were convicted. The Office supervised the full revision of the <u>United States Attorneys</u>. He office appearation over 1,300 Freedom of Information Act (FOIM) under quidelines set forth by the United States Attorneys. In 1988, the Office of Enforcement Operations (OED) received and processed in excess of 1880 matters relating to the Witness Security Program. These matters ranged from applications (OED) received and processed in excess of 1880 matters relating to the Witness Security Program. These matters ranged from applications (OED) received and processed in excess of 1880 matters relating to the Witness Security Program. These matters ranged from applications (OED) requests for psychological examinations (300), the Department's continuing obligation to protected witnesses. In addition, in November 1987, OED was given responsibility for prisoner transferrs; formal approval authority was given in March 1988. In 1988, 105 prisoners were transferred, and 1955 applications were received and processed on the received and reviewed in excess of 90 Victims Compensation matters in 1988.

Some of the most significant accomplishments of the Asset Forfeiture Office to date include the following: the forfeiture of several parcels of real estate in the Southern District of Florida valued in excess of five million dollars as part of Operation Many the civil prosecution of over \$1.5 million in real and personal property relating to the illegal drug profits of a drug dealer in the District of Maryland; forfeiture of over \$1.2 million in the seizure for forfeiture of several million dollars in Operations Cashab and Expressmay in the Southern District of Florida and the District of Cornecticuty the civil prosecution of several cases in Taxas, including a recent settlement in a net gain to the Government of over \$1.2 million; successful completion of two national training seminars; publication of two forfeiture training manuals; and participation in over two dozen IRCC (state/local) training conferences.

ațe	Amount Ros. MY. Amount Ros. MY. Amount \$7,773 126 118 \$7,882 2 1 \$109
1990 Base Perm.	Pos. M. Amo 124 117 \$7,
Progress charges:	Prosecution support

The Office of International Affairs will require 3 positions, 2 workyears, and \$118,000 in FY 1990. These resources are required to process the increasing number of requests for assistance and extradition. Further, the number of foreign extradition requests received by 1990 is expected to increase 35 percent over 1988, and the number of requests transmitted by the U.S. is expected to increase by 35 percent. Ratification of the six Mutual Legal Assistance Treaties (MIAT) will result in significant increases beyond current workload projects. Currently, requests for judicial assistance received and transmitted are also expected to increase, 20 and 62 percent respectively.

Program charges also include productivity and management savings of 1 position, 1 workyear and \$9,000.

	1989	propr	lation	i d	1990 Ba	***	8	90 Estimate	ate	Incre	. Asse/De	Crease*	
Organized crime drug enforcement	B 8	200 MX	Amount \$633	1	ESG ::	Amount	1 1 1 2 3 3 3 3 3 3 3 3 3 3	₹:	Post W. Amount	1808 :	鯺:	Amount	

<u>iong-Range Goal:</u> To support the Drug Teak Porces in investigating and prosecuting violations of Pederal criminal laws that prohibit the importation, distribution, sale and use of harmful drugs.

Major Objectives:

To furnish assistance requested by Drug Teak Force prosecutors to the full extent possible within the terms of applicable statutes, Departmental policies and procedures, case law, international conventions and bilateral treaties.

To provide regular communications and instruction to Daug Task Porce prosecutors so as to improve their efficiency and their effectiveness

To participate in the litigation of certain Drug Task Force cases for which Division personnel have developed special expertise.

Base Program Description: The Administration's law enforcement initiative against organized drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cases. For example, many Drug Task Porce investigations depend upon electronic surveillance must be enthorized by the Attorney General or a designated Assistant Attorney General. By law (28 u.S.C. 2516), all electronic surveillance must be authorized by the Attorney General or a designated Assistant Attorney General. Before authorization of either a wiretap or the wireless interception of communication, reports must be collected and reviewed on the fruits of the surveillance. In addition to employing electronic surveillance dechniques, many Davy Task Porce prosecutions rely on witnesses whose personal safety is endangered by criminal elements. A prosecutor seeking to arrange for the protection of a witness — s.g.L. by providing quarts, by escuring a new identity for the witness, etc. — must similat a request to the Division for review as to the qualification of the witness for the program and a determination as to the level of protection to be afforded to the witness.

Beginning in 1990, resources for the Organized Crime Drug Enforcement program are proposed to be transferred to the Organized Crime Drug Enforcement appropriation pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988. Subsequently, these resources will be provided to the Criminal Division from the Organized Crime Drug Enforcement appropriations as a relmbursement.

Accomplishments and Workload: A quantitative summary of the work of the Criminal Division in support of the Task Forces follows:

						aspar:		Amount \$121	
					ě	ictease/hectease	_	Pos. MY	
					į	T	Eg.	87	ı
					1	MAGE		Amount \$1,592	
					1	1990 ESCIMACE		Pos. HY	i
					3	1	Perm.	20 Pgs	i
mates	986 1980 1990	180	132	88	į	356		19 19 S1.471	
ta	6861	5 5 7	132	88	6	220 025		¥ 5	ì
	988	S	2 22	. 88			Fal	8	;
	61 2861			42	Appropriation	ricipated		2 Amount 8 1.376	
					Approp	AUCICI		Pog. 147.	;
					1989 A		Perm.	<u>8</u>	i
	Item	Electronic surventions applications reviewed	Extradition requests transmitted	Judicial assistance requests submitted				National observity enforcement	

ö 8 Long-Range Coal: To coordinate, spearhead and increase the effectiveness of the Federal anti-obscenity/anti-child pornography effort as the top criminal justice priorities for the Department of Justice.

for objectives

To coordinate and spearhead the investigation and prosecution of obscenity and child pornography violations nationwide.

To initiate new investigative and litigative approaches utilizing all statutory and other appropriate criminal and civil remedies against distributors and producers of chocenity and child pornography.

To maintain national goals, priorities and standards while coordinating joint program planning and evaluation by Federal and State agencies charged with prosecuting similar cases.

To provide intensive training for prosecutors, investigators, and other law enforcement officials from all levels of government in obscanity, organized crime, and child sexual exploitation issues resulting in more effective and numerous investigations and prosecution case strategies.

Base Program Description: This National Obscenity Enforcement Unit (NOEM) comprises this decision unit. The staff of the National Obscenity Enforcement Unit provide expertise in obscenity and child sexual exploitation issues, act as lead or co-course in cases prosecuted, conduct seminars, and provide advice to United States and Strike Force Attorneys.

Accomplishments and Workload: In the brief time since the Unit was formed, it has made significant progress in achieving the Artborneys priorities in obscently and child pernography. In 1987, the Unit presented numerous training seminars for prosecutors and law enforcement officials from all lawies of government. These seminars focused on racketeering obscently, organized crime and child sexual exploitation issues. Also churing 1987, the Unit served in an advisory role to United States Attorneys in a case which resulted in the first Federal convictions against "dial-a-porn" corporations, and assisted and served as co-coursel in the first, was of the Racketeer Influenced and corrupt Organizations (RICO)

statute with obscenity predicates in a trial that ended successfully with convictions and substantial forfeitures. The Unit also coordinated and assisted in planning the two largest child pornography undercover investigations—Project looking Glass and Operation Borderline. These two projects produced over 200 indictments for violations of the federal Sexual Exploitation of Children statutes. Currently, NOSU staff are participating either as lead our co-coursel in many of the cases brought for prosecution. Several important milestones were reached in 1988 in obscenity and child sexual exploitation prosecution. These include:

- An obscenity-based RICO indictment of Reuben Sturman, identified by the Attorney General's Commission on Pornography as parhaps the world's largest distributor of obscene materials;
- An obscenity-based RICO indictment of Rubin Gottesman as part of an undercover operation (Perfect Picture), directed against large-scale organized criminal enterprises which distribute illegal obscenity; ı
- Assistance in the first Federal checemity indictment and conviction in Los Angeles in a decade, resulting in a substantial period of incarceration and heavy fines; the creation of the Los Angeles Checemity Task Force designed to help clean up what the U.S. Attornsy for the Central District of California has called "the smut capital of the country;"

ı

- The indictment of twenty corporations in Project PostPorn (a nationwide operation) for distributing obscenity through the mails. These companies are believed to comprise as much as three-fourths of all such distributors in the nation. ı
- The implementation of extensive international and national pornography investigations with the U.S. Customs Service; and
- The publication of two prosecution manuals for federal and state prosecutors on child exploitation and obscenity cases.

Overall, the top priority status of obscenity and child pornography has caused a dramatic increase in the number of defendants, indicted in 1987 versus prior years and is evidenced by the table below:

1281 1284 1285 1286 1287 1289 0 6 19 10 80 100 vy 6 61 129 147 246 150	1990	100 100 150 150
1981 1984 1985 1986 1987 0 6 19 10 80 ny 6 61 129 147 246		
1981 1984 1985 1986 0 6 19 10 vy 6 61 129 147		
1283 1284 1285		
1283 1284 0 6 17 6 61	Ť	
. 1983 0 0 v		
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ig r	a	Obscenity Child Pornography

Although statistics are only available at this time with regard to the number of cases in the two categories show, the NOBI staff is developing a glate base management system which will allow them to capture detailed information concerning the number and types of corrictions, indictments, states and districts involved, dispositions made, the dollar value of forfeited property, and fines assessed. Beginning with 1987, cases included in the figures provided above represent the higher impact cases against large scale distributors, producers and organized crime associates as expected to continue as producers and investigators become more knowledgeable and effective in targeting violators, investigating alleged offenders and prosecuting these cases.

For the National Obscenity Enforcement Unit (NOEI), 2 positions, 1 workyear and \$130,000 are requested to initiate support of regional positions identified in the December 15, 1985, implementation plan. The plan called for four field representatives for the NOEI. These positions are urgently needed to meet commitment to head up Federal/State thask forces; assists as no-coursel. In the large increase a locate being littly and support new projects initiated by the Federal Bureau of Investigation, U.S. Postal Service, U.S. Oustons Service, and the Internal Revenue Service. Present plans call for these attorneys to be located in sites identified either because they serve as a "hub" city for distribution of pornographic materials or for their pivotal/Key geographic location.

The program charge also includes producitivity and management savings of 1 position, 1 workyear and \$9,000.

	1989	ppropr	ated	E	990 Ba	98	199	Estin	ate	Incr	ed/ese	rease	
ment & administration	<u>8</u> 8	₹ 83	Ros. WY Amount 83 82 \$5,085	B 28	Pos. WX 82 83	55,418	188 12	Pos. W. 77	Amount \$5,367	Pos. WX -6 -6	γ≨	Amount -\$51	

LONG-RANGE GOAL: To guide the administration of federal criminal justice in an effective, fair and consistent manner.

Major Objectives:

To supervise the development and implementation of Department policy so as to assure an effective, fair and consistent administration of Pederal criminal laws.

To establish priorities and to provide general supervision of national enforcement of Federal laws.

To develop and implement policies relating to the efficient administration of the Division.

To provide administrative services necessary to the operations of the Division.

To analyze all legislative proposals developed within the Congress and the Administration which affect either the substance or procedure of Federal criminal justice system, and to furnish advice, as appropriate, on the probable effect of such proposals on Federal law enforcement.

To analyze policy and management issues relating to criminal enforcement programs in order to identify and resolve problems

To assist in developing Division policies and enforcement programs, and help coordinate the exchange of information with other components of the law enforcement system, including operating agencies and research institutions.

Base Program Description: The Office of the Assistant Attorney General carries out its policymaking, supervisory and liaison functions through the Assistant Attorney General, four Deputy Assistant Attorney General, two Special Coursel, a Senior Coursel and support staff. Included in the Office of the Assistant Attorney General is the Office of Law Enforcement Coordination which is assigned responsibility for staffing the Executive Working Group for Federal-State-Local Prosecutorial Relations, for reviewing Federal district law enforcement plans, for managing the Division's Division's Involvement in regional Law Enforcement Lapses, for supporting the Division's Crime Prevention Committee, for overseeing the Division's Involvement in regional Law Enforcement Coordinating Committees, and for staffing other intergovernmental law enforcement management initiatives which were previously fragmented among several Division offices.

Administrative services are provided by the Office of Administration. Six operational units work closely with other organizational entities of the Criminal Division, the Department and other Federal agencies, to ensure that the Division's administrative services are provided in an efficient, timely, and cost-effective manner; the Office of the Directory the Personnel Unit; the Fiscal Unit; the Mail, File and Records Unit; the Passa Scaulity, and the Management Information Systems staff. This last unit was established in 1984 to develop and install top priority automated data processing systems for caseload management information and correspondence tracking, and to provide selected ADP applications in support of investigations and litigation.

The Office of Legislation draws upon expertise spanning the breadth of criminal law, as well as familiarity with congressional organization, rules, and procedures to conduct the Division's relationship with the legislative branch. Close liaison is maintained with, among others, Members of Congress and their personal and committee staffs, the Department's Office of Legislative and Interpovernmental Affairs, the Office of the Associate Attorney General, officials of the Department and the Division, the Attorney General's Advisory Committee of U.S. Attorneys and representatives of Federal investigative agencies.

The Office of Policy and Management Analysis provides the Division with the analytical capabilities needed to parform program development, policy analysis, and management improvement functions. The Office advises the Assistant Attorney General on developing priorities for the Division, the Department, and Federal law enforcement generally. Not of the Office's projects are joint efforts with personnel from other units, such as the Division's other sections and offices, the Department's other legal division's the United States Attorneys, the Investigative agencies, and the Inspector General. The Office's professional staff includes analysts with expertise in public policy, business administration, criminology, economics, organization behavior, program evaluation, information systems, statistical methods, and related areas.

Accomplishments and Morkload: The Office of the Assistant Attorney General continues to provide the Federal criminal justice system with national leadership, centralized coordination and effective direction. The role of the Assistant Attorney General manifests itself mainly in communications imparted to other governmental entities and, by extension, to the public. The legislative proposals transmitted to the Congress represent the Division's position reparating the changes which are needed to improve the criminal justice system. The arguments formulated for presentations which will best support the enforcement of Federal laws in the long run. And finally, communications delivered to other law enforcement executives, Federal and non-Federal, in speeches, meetings, and correspondence serve to focus attention on the most pressing problems facing the criminal justice system and the means available to law enforcement executives to address those problems.

In 1988, the Office of Administration initiated or completed several management improvements to increase the efficiency of various organizational components in the Division. The Office has: 1) Eliminated manual production of standard correspondence and forms through automation in two

offices; 2) Developed and implemented two computer systems to assist the Office of Special Investigations in its name search capability and investigation of suspected Nazi concentration camp guards and other alleged war criminals; 3) Developed a computer capability to automate the name clearance process with the RBI for new employees of the Division and Main Justice; 4) Completed the automation of the Infernal Security Section's Foreign Agents' Registration System; and 5) Initiated the re-design of two major computer applications in order to streamline further the records processing speed of the two systems. Staff also developed the Division's secure communication system - SIU III. This new SIU III Systems replace older units locally as well as in all Organized Crime Strike Porce Field Offices. The staff also completed a major procurement contract for data entry services required by the Asset Forfeiture Office to expedite processing of Equitable Sharing Requests.

During the past twelve months, the Office of Legislation completed several tasks in connection with implementing the new sentercing guidelines which task was the prepared by the Office. The most significant task was the preparation of a detailed handbook on the guidelines which is now the basic text used to explain the new sentencing system to Departmental processarists. The Office also prepared legislative proposals for amending the Sentencing Reform Act of 1984 which were enacted as the Sentencing Reform Act of 1987 and the Criminal Fine Improvement Act of 1987. The Office prepared testimony for the Assistant Attorney General before the U.S. Sentencing Commission concerning amending the guidelines applicable to organizations. The Director of the Office, designated as the Sentencing Coordinator for the Division, works with which States Attorneys in sentencing marters to develop consistent Departmental positions and be aware of needed amendments. The Office is working to amend the guidelines as needed.

transmitted to Congress at a Presidential ceremony, the great majority of this legislation was enacted as part of the Anti-Drug Abuse Act of 1988; transmitted to Congress at a Presidential ceremony, the great majority of this legislation was enacted as part of the Anti-Drug Abuse Act of 1988; public controps the Supreme Court's Exhalized which precluded the use of mail and white frand stabutes in many cases of public corruption, sent to the Congress in May, which, although not enacted, served to cause Congress to pass a more inlated restoration of pre-EXBALY stabutory authority, a package of bills to deal with major frand, particularly fraud in military contracting, some of which was enacted in the Major Fraud Act and the Anti-Drug Abuse Act of 1988; a bill dealing with precursor and essential chemicals used in illegal drug manufacturing, which also was enacted, with some modifications, in the Anti-Drug Abuse Act and an essential chemicals who commit terrorists acts, sent to the Congress in April. Moreover, the Office played a major bill not the devalorment of the Anti-Drug Abuse Act of 1988, a comprehensive measure that included death penalties, provisions for certain drug-related Killings and a host of new offenses, penalty enhancements, and procedural changes to strengthen law enforcement.

During 1987 and early 1988, office of Policy and Management Analysis (OFMs) analysts provided key staff suport in the areas of Sentencing Guidelines, national drug enforcement policy, asset forfeiture, pretrial detention, and criminal fine collections. In particular, OFMs was responsible for monitoring issues relating to the new Guidelines, identifying problems about which prosecutors needed avious, preparing training materials and Sentencing Guidelines, and editing and distributing the Prosecutors needed avious, preparing the managers and a Demestic Policy Council working around its reviewing alternative approaches to organizational sentencing and helped to prepare the Division's proposal to the U.S. Sentencing Commission on organizational sentencing. In the drug policy area, OFMs staff coordinated an audit of the implementation of the National Drug Policy Board's Prosecution Strategy and prepared the relevant section of the annual Progress Report. Staff continued to provide suport to the Policy Board's Prosecution Strategy and prepared the relevant section of the testinny, deam of reduction, "sero tolerance", and intendicinal strategies. The office provided continuing analytic supports to the Asset Forfeiture Policy Advisory Committee (AFRAC) on a variety of policy and management of the Administration's asset forfeiture legislative

package for the drug bill. The Office monitored the use of pretrial detention by analyzing data on such diverse aspects as court motions, defends the characteristics, length of detention and case outcomes. Offw participated in the Division's Fine Collections Working Group and will decentant characteristics, length of detention and case outcomes. Offwas in the Division's Fine Collections were decented to procedures for referring collection matt are to U.S. Attorneys' offices. The Office completed two major projects begun earlier. First, a comprehensive Report on Asian Organized Crime was prepared and distributed the Report resulted in a new federal intitative in five major cities. Second, staff moderated implementation of the Department's new Drug Evidence Destruction Policy, ensuring that inflatives were developed for U.S. Attorneys' offices, DRA divisions of the Department's new Drug Fides and Griffles and Divisions are developed for U.S. Attorneys' offices, DRA divisions' staff haped complete and distribute a how-to quide for procedures for Public Corruction of Evaluation Crime in Programs and Division's response to the recent IDD management study of CASS strike Force attorneys and MESs. During the past year, the Office also performed work related to Criminal Division and career path study of CASS strike Force attorneys and MESs. During the past year, the Office also performed work related to Criminal Division or accounts for the Executive Office for U.S. Trustees (DUSY) and the Bureau of Prisons (1909). For EURSY, staff performed extensive field work to compare for prisoner witnesses and to facilitate participation and procedured for Executive Offices in cooperation with the FBI, staff have been applications for prisoner witnesses and to facilitate participation in the program spoil canded criminal activations. The study, scheduled to begin in January 1989, will clarify priorities for resource allocation and develop criteria for Divisions.

Increase/Decrease Perm.	Pos. W. Amount -6 -6 -551
1990 Estimate Perm.	Pos. WY Amount 75,367
1990 Base	Ros. W. Amount 82 83 \$5,418
Program Charges:	Management & administration

Program change reflects productivity and management savings of 6 positions, 6 workyears and \$51,000.

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Criminal Division

General Legal Activities, Salaries and expenses

Financial Analysis - Program Changes (Dollars in thousands)

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GS/GK-14	:	:	:	:	7	-15	:	4	:	:	:	:	7	26 :	
GS-11	:	:	:	:	:	:	-	53	7	₽ ₽	7	-12	7	•	
CS-9	:	:	:	:	:	:	-	77	:	:	7	97-	:	: ::	
GS-8	7	-10	:	:	:	:	:	:	:	:	:	:	7	٠ د	
CS-82	:	:	7	7	:	:	:	:	:	:	7	-	7	-15	
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Personnel benefits		7		7	•	7	•	60	•		,	φ		-	
Travel	-	:	-	:		:		7		8		:		25.	
Transportation of things	••	:	_	:		:		~		~		:		-	
CSA rent	-	:		:		:		=======================================		7		:		25	
Communications, utilities, and miscellaneous.	••	:		:		:		9		7		:		17	
Printing and reproduction	••	:	-	:		:		~		-		:		•	
Other services	-	:	••	:		:		=======================================		8		:		5	
Supplies		:		:		:		 10				:		30	
Equipment	_	:	-	:		:		ឧ		7 8		:		12	
Total, workyears and obligations, 1990	7	-26	7-	-9:-2	-2	-17	-	109	:	121	۴	-51; -11	7	127	

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CRIMINAL DIVISION

General Lecal Activities. Salaries and Expenses

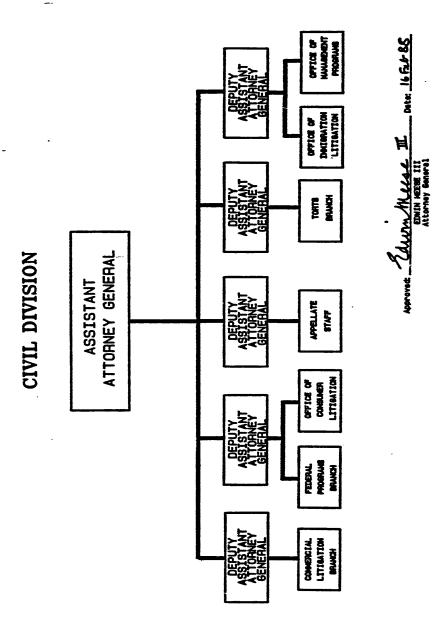
Priority Rankings

Process	Rankting	Program	Renking
Praud Public Integrity Organized Crime Prosecution Organized Crime Prosecution National Obscenity Enforcement Naroctic & Dargarous Drug Prosecution Prosecution Support - Asset Porfeiure Internal Security Organized Crime Drug Enforcement Prosecution Support - International Affairs Orfice of Secalal Investigations		National Checenity Enforcement Organized Crime Prosecution	d a
Prosecution Support - Enforcement Operations 11 Management & Administration 12 Pederal Appellate Activity 13 General Litigation & Legal Advice 14	Ope 11 12 13 14		

Cereral Legs, Activities, Salaries and excenses
Detail of Permanent Positions by Category
Fiscal Years 1988 - 1990

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			1989			1990	0		
Catagory	1988 Authorized	Authorized	Adjustments in Perm. Ros.	Total	Adjustments in Perm. Rof.	Transfers	Program Decreases	Program Increases	Total
Attornays (905) Paralegal (950) Other legal and kindred (900-990) Kimcalancous Bocial sciences, economics (100-199) General administrative, olerical (300-399) Accounting and biodest (500-599)	41.7 65 10 10 262 6	429 66 10 3 268 6 6	97 : : : Y :	417 65 10 10 262 6	.g	₹T : : : 7 ;	::::77:	⁰⁸ : : : :	25 to 20 to 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Total	769	788	-19	492	19	9	-14	9	171
Washington	225	544 244		228		8-	-14	n n	525
Total	769	788	-19	769	19	۴	-14	80	171





Civil Division

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Salaries and expenses. General Legal Activities

Crosswalk of 1989 Changes (Dollars in thousands)

Activity/Program	1989 P Budget For	President of Request	ent's set	Congressional Appropriation Actions on 1989 Request Ros. MY	Congression Appropriati Actions on 1989 Recues	Congressional Appropriation Actions on 1989 Request On. M. Anta	Post	Adi, in Perm. Bos. 6. W	Begroot Boll	A SE	SCCOTT SERVINGS	Appro Antic Rot.	priat Lipate	ion Art.
Pederal Appellate														
Activity	63	5	\$6,122	:	:	-\$373	:	:	:	:	:	63	5	\$5,749
Torts Litigation	210	215	31,533	:	:	-3,991	:	ዋ	:	:	:	210	808	27,542
Commercial Litigation	277	8	30,526	:	:	-3,988	:	4-	:	:	:	277	9	26,538
Pederal Programs	151	157	11,956	:	:	-63	:	-12	:	:	:	121	140	11,873
Consumer Litigation	33	3	2,397	:	:	-14	:	Ţ	.:	:	:	33	ž	2,383
Immigration Litigation.	\$	9	4,069	:	:	-38	:	:	:	:	:	\$	ş	4,031
Administration	101	102	6,322	9 9 9		-38						101	102	6.284
Total	881	ゑ	904 92,925	:	፧	8,525	:	9	 :	 :	ŀ	188	3	84,400

Explanation of Analysis of Changes from 1989 Appropriation Request

Contransional Automordation Actions. Compress denies \$7,200,000 in program increases sought for Automated Idigation Support (AIS) and \$691,000 in adjustments to base. The apporpriation act also transferred \$634,000 in the Civil Division's Private Coursel Anding to the Department of Justice's Pees and Expenses of Witnesses appropriation.

Adjustment in Parasient Resistions and Mostkysaus. The absorption of pay increases and other costs will not allow support for all the workyears that Congress may have expected. Accordingly, the workyears were adjusted downward to accurately reflect familing levels.

Civil Division

Salaries and expenses, General Legal Activities

Surmary of Requirements (Dollars in thousands)

Adjustments to bess:													Perm. Work- Ros. Years	Years	Amount	
1989 as enacted Adjustment in parametric positions and workyears 1989 appropriation anticipated Transfer from the General Administration appropriation for Financial Operation Service Parameter from the General Administration appropriation for Financial Operation Service Decreases 1990 base	d vor	years	ristion fo	r First	1	Operation	Service						18 18 18 18	3 9 3 : : 13	84,400 84,400 4,926 89,485	
	1988	1988 Actual]	1969 Ant 1	Cloat	1989 Appropriation Anticipated	286	1990 Esse.		1990	et les	1990 Estimate	Incre	0	Increase/Decrease.	
Detimates by budget activity	2 2	Ĕ	Perm. Ros. W. Amount	E E	Ĕ	Perm. Ros. W. Anount	8	ğ	Perm. Fos. W. Ancust	Paris.	ğ	Perm. Ros. W. Ascurt	N Series	ž	Perm. Pos. W. Amount	
4. Claims, customs, and general civil matters 891 805 \$82,745	188	8	\$82,745	881	2	881 864 \$84,400	881	38	881 864 \$89,485	ž	268	697 \$99,010	8	8	33 \$9,525	
EOV Employment: Full-time permenent Other	573			781 813 813		,	28 819 819			814 852		•	ឌ ដូន			

Civil Division

Salaries and expenses, General Logal Activities

Summary of Requirements (Dollars in thousands)

	S84.400		84,400	159		1,944	263	246	ţ	•	291	6 6	416	-	382	e	147	2	1,062	48	4,926	89,485
Fork-	Vears 904	9	86	:		:	:	:	:	:	:	:	:	:	:	:	:	:	:	4	864	864
Perm.	Pos.	1	881	:		:	:	:	:	:	:	:	:	:	:	:	:	:	:	1	881	881
Adjustments to base:	ופאר 1989 או מאידעים	Adjustment in permanent positions and workyears	1989 appropriation anticipated	Transfer from the General Administration appropriation for Financial Operation Service	Mandatory Increases:	1989 full year pay increase impact on 1990	Special salary rates	Within-grade Increases	Security reinvestigations	Distributed Administrative Support	Health bonefits	Full field investigations	Telephone services	GPO printing costs	GSA reart.	GSA requiring reinbursable services.	Federal Telecommunications System (FTS)	Employee Data and Payroll Service	General pricing level edjustment.	Foreign allowances.	Total, mandatory increases	1990 Busa

Salaries and expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

872 813 872 872 905 33

* This includes the transfer of \$3,475,000 in no-year funds from the Pees and Expenses of Witnesses appropriation to the Civil Division account.

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Civil Division

Salaries and expenses, General Legal Activities

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

1990 Estimate Increase/Degreese. Perm.		\$6,322 6 3	228	275 31,844 18 9	139 12,583 -1 -1	34 3,135	43 4,942 6 3	101 102 .6.660
1990 Base.	Pos. MY Amount		508	5 66	140	ž	40 40 4,275	101 102 6,660
1989 Appropriation Anticipated Perm.	Post. W. Amount	67 73 \$5,749	8	3 66	140	ž		101 102 6,284
Activity: Claims, customs and general	CIVIL PACTORS	Federal Appellate Activity	Torts Litigation	Commercial Litigation	Federal Programs	Consumer Litigation	Immigration Litigation	Administration

This activity provides representation for the United States' interests in all types of civil cases and matters except those within the specialized fields of the other divisions of the Department. The litigation encapsasses the full spectrum of legal problems encountered by private business effects because the departments and agencies of the Government are engaged in Innumerable commercial wintures similar to those of a modern comporation, as the last private and agencies of the Government are engaged in Innumerable commercial whether the Division of encountering and banking. In addition, the Division litigates the significant policy issues associated with Government activities. Hence, the overall objective of Civil Division activity is to provide the Government with the best possible legal representation. While the Division operates as the Government's law firm, it also Ametions as a consenor and advisor for important Government programs that may become the subject of litigation.

eseas:	Ros. W. Amount	\$227	
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pare	Ħ	23	
Mrt ic		63	•
1989 Appropriation Anticipated	-	ctivity	
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		7	

<u>long-range Goal:</u> To protect the interests of the United States by successfully defending against appeals seaking reversal of trial court and against decisions against the Government and preparing documents for filling in the Supreme Court.

Halor Objectives

To prevail in appellate litigation challenging trial court or administrative decisions in favor of the United States.

To initiate and prevail in appeals in which the Government's opponents were successful at the trial court.or administrative levels.

To protect the Government's interment at the highest level of appeal by preparing documents to be filled by the Solicitor General in the Supreme

Base Frontan Description: The Appellate Staff defends the interests of the United States in litigation in Jederal and state courts of appeals and prepares documents for filling by the Solicitor General in the Supreme Court. While many judgments entered at the trial courts level in Civil Division cases are favorable to the Government, they are often appealed by the opponent. To ensure resolution of the problem which initially gave rise to the litigation, these cases must be effected at the appeals court level. Similarly, advance trial court decisions must be studied and enabyzed and appeals filed and prosecuted if the Government's interest is to be fully protected. Finally, several major Rederal stabutes provide direct review of administrative decisions at the appeals court level.

The Appellate Staff represents the Government in "last chance" efforts to assert rajor policies and protect the Treasury against enouse losses. The Staff's role in supporting the Administration's policies has been substantial, covering numerous priorities —— combatting terrorism, defending suits against law enforcement officers, safeguarding classified information, resisting challenges to Government regulations, and upholding substantial reform. Among the Staff's efforts to protect the public fisc are numerous cases involving text claims, debt collection actions and suits.

Marklood and Accomplianments: Worklood of the Appellate Staff is presented in the following table:

Appellate Litigation			Estimates	atee
	1987	1988	1989	1990
1. Herdled by Appellate Staff a. Ferding Beginning of Year b. Received During Year c. Terminated During Year d. Perding End of Year	781 2,010 1,822 969	969 1,973 1,935 1,007	1,007 2,150 2,048 1,109	1,109 2,334 1,224
2. Hardled in Branches a. Perding Beginning of Year b. Recaived During Year c. Terminated During Year d. Pending End of Year	1,478 1,181 1,112 1,547	1,547 1,105 1,067 1,585	1,585 1,200 1,070 1,715	1,715 1,369 1,193 1,891
3. Received and Referred to U.S. Attorneys	1,182	1,276	1,261	1,279
Direct Dollars at Issue (millions)	\$41,280	\$34,400	\$35,526	\$37,042

uranius was imported and "excident" (a process required to enable the release of energy) in Department of Energy (DDE) facilities. The demastic industry and in an attempt to restrict the enrichment of foreign uranium, where they prevailed in the lower courts. We obtained Supreme Court review to determine whether Section 161(v) of the Atomic Energy Act of 1954 requires DDE to restrict the enrichment of foreign uranium wherever the demestic uranium industry is not viable, whether our not the imposition of restrictions would make the demestic industry viable again. The Supreme Court, in a uranimum and demastic industry's viability, for Section 161(v) mandates restrictions on enrichment of foreign uranium only when they would assume the demastic industry's viability, for Section 161(v) mandates restrictions on the enrichment of foreign uranium only to the extent recessary to assume the maintenance of a viabile demastic uranium industry." An adverse decision in the Supreme Court could have cost the Government and the ration's utilities as much as \$27 billion.

Rowen v. Kentrick. The district court in this case struck down the Adolescent Family Life Act, under which Health and Human Services may make grant amends for programs that discourage adolescents. The

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district court hald that because the Act referred to addressing the problem of adolescent prognancies through a variety of services, including those provided by raligious organizations, it had a primary effect of advancing religion and was, therefore, unconstitutional on its face. The court also held that because grants had been avaried to some religious organizations, such as hospitals, maternity homes, and WhOs, the Act was unconstitutional as applied. The Supreme Court reversed, holding there was no requirement that the Secretary sward grants to religious organizations and the services provided are not inevitably religious in nature. The Court further hald that the Act was not necessarily unconstitutional as applied, and that the district court would have to review the grantees on a case-by-case basis for possible violations of the Secretary to withdraw funding from that grantee.

1. 4. 10.7 (2. Smith V. Reggn. In this action, plaintiffs challenged the adequacy of efforts taken by the United States to locate individuals unaccounted for since the Vietnam conflict. The United States moved to dismiss the action on the grounds that it was barred by the political question doctrine and that plaintiffs have no cause of action under the Hostage Act. The district court denied this motion in part retaining jurisdiction to determine whether the proported class of missing in action plaintiffs action that he breaident had have not a day to the plaintiffs. On the Government's interlocatory appeal, the Pourth Circuit reversed, accepting the Government's argument that the suit raises a monjusticiable political question and that, in any event, the Hostage Act does not create a private right of action. The Supreme Court denied plaintiffs' request for further review.

Increase/Decrease	Pos. MX Amount 6 3 \$227
1990 Estimate	Pos. W Amount
Perm.	73 76 \$6,322
1990 Base	Fos. MY Amount
Perm.	67 73 \$6,095
Program Changes:	Pederal Appellate Activity

Mirroring the phenomenal growth in district court litigation witnessed over the past decade, there has been an urgrocodented rise in the number of cases litigated on appeal. To enable the Appellate Staff to handle its responsibilities of protecting the public Tisc and defending major Government initiatives and programs increase of 6 positions and \$227,000 is required.

Since 1981, the number of parsonally handled cause received by the Appellate Staff rose a drawatic 217 percent from 615 to 2,010 in 1987. This growth has been comprised of substantial increases both in Courts of Appeals and Supreme Court cases. Through 1990, personally handled case receipts will continue to clieb. The incretive to appeal lower court decisions increases markedly with the level of financial stakes. Unfavorable decisions are always appealed in cases where tens of millions of dollars are at issue. The financial implications of appealate litigation are imposing. By 1990, the financial stakes are expected to climb as high as \$37 billion.

Staffing increases have not kept pace with the precipitous growth in the volume and importance of appellate litigation. Since 1981, only six positions have been added to the Staff's authorized positions. As an alternative to acquiescence in adverse judicial decisions, the burden for much appellate litigation has been placed on the Division's trial attorneys, the U.S. Attorneys and on client agencies.

Pallure to great the proposed position increase will destroy the Staff's ability to pursus reversal of adverse judicial decisions and to maintain vigilance in pursuing the Government's policy and fiscal interest through the highest levels of the Pederal judicial system. The consequence will be Government against the many of 138 major cases lost at trial, exposing the Treasury to estronalizal losees. As 64 additional actions are appealed by Government approach, the Staff will have no choice but to refer the cases outside the Division. While many of these cases will be assigned to U.S. Attorneys, many others will be damped back to client agency attorneys who generally lack any litigation experience, especially at the appealable level. Failure to great this increase will cause a catastrophic diffusion of appeals litigation with no real sevings in personnal costs to the Government as a whole.

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LENGTHER GOAL! To protect the intermets of the United States by successfully litigating in defense of non-meritorious monetary claims, preventing excessive losses from meritorious claims and maximizing the monetary recovery for injury and demages to Government property.

Major Objectives:

Norte Littigat

To prevail in the defense of tort actions brought against the Covernment, its agencies and individual Pederal employees and to seek contribution and indemity from third parties where the Pederal Treasury has been required to satisfy the obligations of another party.

To initiate and prevail in affirmative actions when the Government has sustained injury or expended resources on behalf of another party.

To promote the policy intervets of the United States with respect to the development of toxt law in the courts, legislatures and other arenas.

Base Evorus Description: In the course of performing the missions and duties assigned by the Congress and the President, the Government is frequently challenged by private plaintiffs seeking monetary demaps for alleged negligant or voraphi conduct or for violating constitutional and common law rights of the plaintiffs causing demaps or injury. In addition, the acts of private tortlessors scaetises result in injury or demaps to Government property which prompts affirmative actions by the United States for compensation.

The standard rule that the United States should not be liable for its regulatory or program activities is increasingly under attack. Compounding this trend is the liberalization of the expansion of tort law both in the courts and the private sector. Traditional Government defenses are no longer incoming. Cases which historically would have been the subject of relatively simple motions are now of major importance and threaten encourse, the plaintiffs har and various interest groups have begun to view the Government as an opponent with limited litigation resources, but with a "deep pocket" to fund adverse judgments.

The mission of the Torts Branch is to act as the Government's attorney in defending these claims and bringing suit when the Government has mastained injury. Moreover, the Branch serves as the guardian of the public funds, defending tort claims which could potentially cost the U.S. Treamury billions of dollars. New cases are projected to increase substantially, especially toxic torts, radiation, and aviation actions

where total dollars defended are expected to reach \$102 billion by 1990. In littigation initiated to recover demages for the Government, more than \$1.4 billion will be sought during 1990.

Morticed and Accomplishments: Workload of Torts Littigation is presented in the following table:

Torts Litigation			Est	Setimates
	1987	1988	1989	1990
1. Personally Handled				
a. Pending Beginning of Year	₹ ,804	4,813	5,141	6,459
b. Received During Year	1,222	1,152	2,762	1,909
c. Terminated During Year	1,213	824	1,444	1,548
d. Pending End of Year	4,813	5,141	6,459	6,820
e. Dollars at Issue (Million)	\$74,308	\$86,831	\$92,978	\$103,513
2. Received and Referred to U.S.	no 4-4			
Attorneys	3,407	3,182	3,399	3,399

Aviation and Admiralty Litigation. The peat year has seen intensive discovery and trial activities in three major air carrier crash cases, with commercing discovery, another starting a second of four planned trials, and two more cases likely to be tried early in 1989. The Dalta 191/DRW multi-district trial and arch 1.1988, and will likely take a full year, with extensive post-trial briefing thereafter. The Another collision case feebured extensive discovery in the U.S. and Mexico before commercing a probable four-morth trial in Los Angeles on November 1. The accord of four planned trials in the World Airways/Boston runway overshoot case will commerce in early January, 1989, and confine for the military in the many acceptance of the MVA AIRBNIS multi-militan dollar ship grounding oil sylinear depositions have been taken in that case, but it is anticipated that many more will be undertaken prior to trial, which is scheduled for the spring of 1989.

Regulatory Tort Litigation. The Torts Reach defends many suits that claim covernment regulatory activity has precipitated harm that might have been prevented by different action on the part of Covernment regulators. Courts have ruled favorably in a ramber of these cases — often following extremive litigation — after we have established the applicability of exceptions to the Government's whenever of sovernment's whenever the covernment's alleging injury caused by the Department of Transportation's failure to halt illegal gas cylinder imports, Carib Gas Corb. V. United States saving the Government an estimated \$13.5 million; in several suits alleging that the Occupational Safety and

Health Administration's negligent inspection of private plants caused industrial accidents, <u>e.g., Judy y. United States</u>; and in a \$216 million Buit alleging negligence in monitoring and communicating information about public health risks from lead pollution in Dallas. <u>Mells y. United</u>

<u>Rediation Litication</u>. The Torts Evench is actively involved in defending law suits in which plaintiffs claim that they have been injured by ionizing radiation. A number of the suits claim that fallout from nuclear tests (in the Recific and/or at the Newman test sits) exposed them to excessive leads of radiation. The claimed injuries range from various forms of cancer to neurotic and articutable behavior. Some plaintiffs each consent simply for their fear of developing cancer. The Evench has successfully defended the constitutionality of a recent statute that establishes that radiation demage suits arising from the activities of atomic weapons program contractors must be brought against the United States rather than against the contractors. It is now implementing that statute and defending various cases brought under it.

Pederal Jota Claims Act Iditiontion. Recertly, the Branch prevailed after trial in establishing that an infant's catastruphic injuries were not caused by administration of the DRT vaccine by a Government physician and that, in any event, the statute of limitations barred suit because the infant's party failed to exercise the disjuence in purelling the claim. Exagin, we liked States in another suit, the brided States was had not librared for injuries for a both explosion during an excident which cocurred while an Army contractor was transporting the bomb. Exagis Nation Indian Housing V. United States Recently, several saits have been filed alleging that blood transfusions at Government hospitals caused the AIDS virus to be transmitted; the Branch is currently litigating the seminal issues these cases present.

Asbestos Litigation. In the past year, the Branch has achieved five major expellate victories in three circuits. The Federal Circuit affirmed the district court's dismissal of all third-party claims arising out of injuries to employees of a contract shippard (In re All Maine Asbestos Litigation (BIW Cases)); affirmed the district court's dismissal on motion of all third-party tort and contract claims arising out of injuries to employees of a federal shippard (Logge, v. Bayenzd); and ruled that all of John-Party tort and contract claims arising out of injuries to excess (Ichne-Maintile v. United States). The Third circuit hald that third-party tort actions arising out of injuries to federal shippard workers hased on "that capacity vessel owner" responsibilities must be dismissed as a matter of law (Engle-Picter v. United States). The Fith Circuit affirmed the dismissed and alleged injuries to long-broaden aspector (Engle-Picter v. United States). In addition, district courts and Milliams v. United States) at third-party suit based on mijuries to the child of a federal shippard worker (Dage v. Raymark); and a third-party suit based on alleged asbestos-related injury to a federal civilian Air Force base employee (Edizchild v. United States).

Total Total Literation. The Tota Branch is defending an increasing number of complex toxic tout cases stamming from activities of military installations and defense contractors. In <u>Valenzuela v. Huges Aircraft</u>, claims for over \$20 billion are pending in an action against the United States and one of its contractors. This case alone involves approximately 1500 plaintiffs, alleging over 560 different illnesses allegedly stating from originating at Hughes, a Government-owned/contractor-operated missile production facility. In Mazielin V. Mazielin V. Mazielin V. Mazielin V. In Mazielin V.

a menner which polluted the groundwater in various suburbs of Denver, Colorado (Renaul v. Martin Marietts). In addition, following a 11-day trial, the district court in Hawaii dismissed an action seeking \$22 million brought against the United States arising out of alleged exposure to chlordens on military bases (<u>Ignes v. United States</u>). Cases such as these are descriptive of the burgeoning number of high-stakes toxic tort cases for which the Turts Branch is responsible.

Constitution Next Idioaction. Constitutional text attemness centime to agressively defend present and former Federal officials at all levels of Government from liability, as well as the burdens of litigation, in a broad spectrum of cases. The Branch recently undertook the representation of a United States Trustee equinst whom the creditors in a bankruptcy proceeding have brought an action for contempt and sarctions. In response to another recently filled action, Saltany v. United States, the French is defending that United States, the French is defending that United States, the President and other earlor Government officials in an action brought by former Attorney General Remsey Clark on behalf of several Libyan residents seeking demages arising out of the air strikes against Libyan April 1986. In addition, the Branch recently prevailed on a sensory judgment motion in General Electric Company v. Massett, after four years of highly complex litigation.

National Childhood Vaccine Injury Ameriments. The Office of Vaccine Compensation and Littigation has been established to deal with the anticipated littigation arising from the Vaccine Compensation Ameriments of 1987. These Ameriments established two programs of compensation claims adjudicated through the Claims Court and appealable to the Court of Appealast for the Rederal Circuit with pertitions for compensation to be filled with the Claims Court, starting October 1, 1989. The Office of Vaccine Compensation and Littigation is working with Health and Haman Services (HES) and the Claims Court to develop the administrative means to efficiently hardle the espected caselood resulting from these menthents. The littigation will be highly complex, with complicated medical issues and questions of statutory interpretation predominating.

Automated iditioation Surport. The lion's share of Automated Liditigation Surport (ALS) funding is devoted to the Ambestos, Radiation and Aviation Document Centers as these cases involve the most massive discoveries and highest financial stakes. After lengthy discovery periods, several abbestos cases went to trial and ALS proved to be indispensable to fevorable outcomes: The Radiation Document Center continues to Amortion as the focal point for support activities, including appearance, detabases and the organization. Extensive ALS support is being provided for Dalta in the form of databases, microfilming, paralegal support and a trial support facility without which the Government would have had no choice but to settle the case at a cost to the Treasury of over \$110 million. In Inter-Harville v. Lig., Marville's "superior incredepts" claim was defeated by crucial evidence chained through ALS review of 43 million pages of corporate materials located at Johns-Harville presented. In Dalte, a trial involving five different asbestos manufacturers, ALS was used to complete a complete chronology of the asbestos-related trade associations' sintees and correspondence over several decodes to prove that the manufacturers had been included and desper knowledge of the hazards of asbestos than did the Navy.

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Document of the second	AAAAAA AAAAA AAAAA	Torts Litigation	

The Torts Examth is the last line of defense in repoliting tremendous and continuing assaults on the U.S. Treasury as manufacturers try to shift their financial liability to the Government and society seeks to have the Government act as an insurer for the risks arising from our increasingly technologically complex society. The continued growth in the number of tort lawsuits and the dollars at issue significantly increases the future

potential liability of the Government. In 1988, dollars at issue in tort claims defended by Division attorneys reached \$85.8 billion. Explosive growth in tort liability will continue through 1990 with claims of up 6 \$10.2 billion expected. Among the most volatile litigations will be claims associated with alleged radiation and toxic substance-induced illnesses, the National Childhood Vaccine Program, aviation and admiralty claims. A program increase of 40 positions and \$4,330,000 is critical to the continues ascessful defense of the Government against these claims. This funding includes \$2,669,000 for Automated Litigation Support (ALS) services. The 1990 Estimate reflects management and productivity savings of 1 position, 1 FTE and \$11,000.

Radiation. Radiation case receipts are projected to quintuple between 1987 and 1990. This is a highly specialized area of litigation due to the complexity and technical nature of determining the cause of serious injuries which the plaintiffs have attributed to the radiation related activities of the Government. According to studies by the General Accounting Office, there are over 1,000 sites in which wastes from atomic overcoment; at alleged that many of these sites have become substantial environmental and public health threats. \$1,400,000 for Automated Litigation Support (ALS) services will be critical to the Government's defense. Rallume to approve this request will lead to an erosion of the hard-won precedents that have been established and open the Treasury to billions of dollars in losses.

of particular concern is the impending Hanford litigation, where about 100 administrative chains have been filed and more are expected. Flutchium for nuclear weapons was produced at the Hanford reactor facility on the Columbia River in Washington State from 1944 until recently. In 1986, thousands of documents, revealing for the first time that substantial amounts of radioactive materials had been intentionally and accidentally released from the facility sure publicly released in response to a Freedom of Information Act request. These documents disclosed that radioactive emissions from the facility may have contaminated parts of Washington, Oregon and Idaho. An earlier Hanford-related class action, Exy. United States, based on the FOIA information, was dismissed without prejudice because plaintiffs wanted to swalt the findings of a major Department of Energy (DE) study regarding emissions from the Hanford facility. This study will be released within the next to years, with the likelihood that the class action will be reinstated. A second case, Segman V. Dubnit and General Electric, in which plaintiff's decoderit's thyroid cancer is sacribed to Hanford emissions was recently filed. In both cases the forts Evanth, pursuant to DE requests, is representing Dubrit and General Electric, the DOE-indemnified contractors which operated the facility.

The MLS increase is crucial to successfully litigate radiation cases. The Hanford litigation and the contractor litigation involve a massive discovery effort. Environmental impact studies, dosimetry reports, employee records, accident reports and policy documents comprising hundreds of thousands of pages contain key evidence for the deferes. If Alls is not available, our ability to prevail in these cases will be gravely weakered. Each of the 1,700 radiation sites has scores of documents spanning over 40 years that must be identified and organized for retrieval so that Branch attorneys can master the material to develop fully researched motions and prepare for depositions and cross-examinations. Development and maintenance of a case tracking system is necessary to follow the claims as they pass through various litigative stages and respond to callent inquiries. Finally, the massive Hanford litigation is expected to peak in 1990; increased paralegal services will be needed at the radiation document center in order to provide adaptate pre-trial and trial support. Our opponents in this litigation have already developed sopilationated databases; the Government must follow suit or jeopardize over three billion Treasury dollars.

Toxic Torts. Four additional positions and \$1,118,000 will be necessary to manage the expected increase in groundwater contamination cases arising from Department of Defense (DoD) facilities. This funding includes \$952,000 for Automated Litigation Support (ALS) services. As of September, 1987, 5,165 hazardous and toxic waste sites at 739 installations had been identified by the DoD in a report to the Congress; the Environmental Protection Agency has listed 29 of these DoD sites on the national priorities list for cleanup. The Division is already handling a

number of these cases, many of which involve hundreds of plaintiffs, highly technical subject matter, multiple jurisdictions and huge monetary claims.

The complexity of the already pending cases and their impact on attorney resources is demonstrated in the Malenzuela case. This case involves approximately 1,500 plaintiffs alleging over 500 different illnesses that they contend arcse from groundates contemination originating at Hughes, a Covernment-caned/contractor operated aissile production facility. This case, and the Andrews case, were featured on a nationwide television program ("Poison at the Pentagon") which focused on the hazardous and toxic sites that the Dob had identified as in need of immediate action because of the severity of the environmental hazard present at the sites.

The publicity that has resulted from both the DDD listing of toxic sites and the television program has generated and will continue to generate litigation which billions of dollars will be at issue. The pending cases represent only the first wave of this litigation. By 1990, the bivision will be handling 71 cases - an 87 percent increase over 1987. Potential losses to the U.S. Treasury are expected to reach a staggering \$33.4 billion. It will be impossible to handle these extremely complex and resource-intensive cases without additional staff; cases will have to be delegated to U.S. Aftorneys who lack the resources and technical expertise to excessively litigate these cases.

In A.B. increase of \$952,000 is meded for the defense of toxic tort cases. These multi-plaintiff cases will require massive discovery including intervieus of medical personnal, real-setate appraisers and other fact and expert vitnesses, as well as the location and review of millions of pages of documentation generated at each site. A comprehensive manual review of these documents is impossible. Als will be used to summarize and each site, and allow effective management of documents is impossible. Als will be used to summarize and each site, medical records and historic Government files is necessary to establish and evaluate patterns or outlines of events. Als is the only method of organizing the diverse case materials to facilitate analysis, formulate effective litigating strategies and present a successful Government defense.

Childhood Vaccines. Thirty-six additional positions and \$1,495,000 will be required to handle the massive increase in claims arising from the recent enactment of the National Childhood Vaccine Act. That Act established a trust ford financed through a tax on vaccine manufacturers. The fand will be used for the payment of claims for injury and death found by the Glaims Court, or the Court of Appeals for the Rederal Circuit, to have resulted from the administration of the taxed vaccines between September 10, 1988 and October 1, 1992. While there is an escalating cap on the number of savers which can be paid out, there is no limit on the number of claims that can be filled. As many as 1,500 claims coult be filled annually beginning in 1989 and additional 500 in 1990 and subsequent years. A raview of the cases filled thus far in the Claims Court indicates that there will be mach integrated in the integration of attorney dees, demanges and statutory integreetation. The Court intends to handle these cases in a traditional adversary fashion and integrates proceedings. There will be litigation from the outset; numerous suits have already been filled. As these are claims Court by vaccines administered print to October 1, 1988 has been established. Both programs will require significant effort to separate the justified from unjustified petitions. The voluminous increase in vork precipitated by this enactment simply cannot be handled by existing staff — particularly in light of a substantial rise in tout liability litigation.

Aviation/Admiralty. An ALS increase of \$200,000 is needed to successfully litigate large-dollar, document-intensive Admiralty cases. ALS is essential to the ability to properly organize measive document collections, including maintenance reports, damage and port surveys, in preparation for lengthy and precedent setting trials. A statistical analysis of the dollar return on the Covernment's litigative costs through increased judgments, awards and settlements indicates that the affirmative Admiralty area has yielded strong returns — a dollar invested in this litigation

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. would be expected to realize \$256 in returns. The expected net return, over time, to the Treasury from the addition of \$200,000 for ALS \$51,200,000.

An ALS increase of \$117,000 is needed to successfully defend the United States in major eviation litigation. The dollars at issue are enormous? In 1990, the Treesury's exposure in swiation litigation is expected to total \$31.6 billion. Aviation suits are often multi-plaintiff cases with numerous documents and deposition material to master in order to successfully defend the Government. Successful defense things on the ability to glean evidence buried in thousands of pages of weather reports, flight logs, radar data and training manuals. These cases can proceed at an integrate stratesy are grapes and prepare an effective litigative stratesy for trial. When available, ALS has been an integral element in the defense of these claims. When ALS has been unavailable or settlements considered.

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defend international trade policy; defend and assert the Government's contract, loan guarantee, grant, insurance and intellectual property rights; defend intellectual property rights; defend and assert the Government's financial and commercial interests under foreign treaties; and collect monies owed the United States as a result of civil judgments, compromises and defend to have.

Major Objectives:

To save the Covernment worsy by winning lawsuits and obtaining favorable settlements of contract, intellectual property, international trade and Government employment litigation brought against the United States.

To collect money owed the United States as a result of defaulted contracts, umpaid loans, unsatisfied judgments, breach of grant agreements and misuse of benefit programs.

To recover Annis lost through fraud in Government programs and the corruption of public employees and to deter Anture losses by collecting the statutory penalties allowed for such violations.

To defend Government policies challenged in littigation involving money damages.

Rase Program Description: Charged with protecting the financial interests of the United States, the Commercial Litigation Branch is responsible for defending actions seeking money judgments against the United States and for initiating civil action to collect money owed the United States as a result of various commercial and statutory activities. The Branch is also responsible for the Government's civil litigation arising from from bribery and official misconduct; the collection of civil fines or other money judgments; challenges to Government personnal actions; the

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collection of defaulted loans; and other litigation arising from the commercial undertakings of the Federal government. As Federal outlays increase, litigation resulting from commercial espenditures rises proportionately.

The Branch's caseload is largely defensive and therefore nordiscretionary. The number of defensive cases hardled by the Branch continues to rise, particularly in Claims Court contracts cases and patents cases. Contract claims are some of our largest cases involving major corporations and massive financial stakes. Dollars at issue in defensive claims are expected to reach \$8.2 billion in 1990.

The Branch vill affirmatively seek recovery of more than \$18.3 billion through bankruptcy, loan default and frands litigation in 1990. These high-stakes, complex litigations coupy an increasingly prominent role in the Branch's work. Bankruptcy and loan default cases involve numerous Government entities that have significant monetary exposure. The efforts to recover money lost through frand, waste and abuse in Government programs have intensified substantially following the enactment of major anti-frand statutes and stapped-up efforts to target and punish Defense procurement fraud.

Markload and Accomplishments: Workload of Commercial Litigation is presented in the following table:

Commercial Littigation			Pot	Potinates
	1987	1988	1989	1990
1. Parsonally Handled				
E	10,974	11,545	11,570	11,904
b. Received During Year	3,552	3,251	3,444	3,781
Terminat	2,981	3,226	3,110	3,345
d. Pending End of Year	11,545	11,570	11,904	12,340
e. Dollars at Issus (Millions)	\$22,609	\$24,540	\$25,750	\$27,187
2. Received and Referred to U.S.				
Attorneys	11,757	8,729	9,456	9,956

General Commercial iditionation. The Branch is handling significant litigation in bankruptcy courts, district courts, and courts of appeals arising out of the Government's interests in the energy, maritime, steel, and utility industries. Branch attorneys represent the Maritime Administration ("Monkry"), whose borrowers (including Prudential and U.S. Lines, which control over one-third of the domestic shipping industry) have filled bankruptcy petitions involving over \$1.2 billion in defaulted loans. In United States V. Parhandle Eastern Corp., Branch attorneys also represented Monkry in district court proceedings involving quaranteed ship financing bonds, and obtained a judgment explist Parhandle of almost \$140 million. They also represented the Department of Energy in the Texaco and Apex Oil bankruptcies, in which we recovered \$1.25 billion and

\$15 million, respectively. In the utilities field, Branch representation of the Rural Electrification Administration (REA) has expended to nearly \$9 billion in defaulted loans to rural concartives made or quaranteed by REA, and Branch attorneys have succeeded in several cases in overcoming challenges to long-term, all-requirements wholescale power contracts that secure over \$40 billion in REA loans. Branch attorneys representing the Branchile Cowar Administration (REA), successfully negotiated a favorable settlement in the \$7 billion Westington Public Power Supply System (MERS) band default litigation; they continue to represent BRA in other cases involving the construction of five muchear power

Exam idilation. Department of Defense (DoD) procurement frand continues to constitute the largest portion of the Frand Unit's caseload, particularly cases involving cost-mischarging. Some of the more significant DoD procurement frand recoveries include an \$80 million recovery from Bell Helicopter, culminating an investigation of several years' duration; \$16.7 million from Hotocols and, a \$12.5 million congruence with Sanakarand Data Control, Inc. In addition, agraculantely 60 matters are pending as a result of the DoD program that encourages defense contractors to make disclosures of their on fraud, and a large portion of the 100-plus private citizen suits authorized by the 1986 smenthments to the Palae Calama Act involve DoD contractors. In other areas, the Fraud Unit recovered over \$8.9 million in Veteran's Aministration (VA), Farmers Home Administration (FMHs), and Housing and Urban Development (HD) housing fraud cases, \$2.2 million in Schmbank and Agency for International Development (AID) foreign and and financing fraud cases.

Contract Litiestics. In Allied General Muclear Services v. United States, Branch ettorneys excressfully defended against a claim that the Muclear Regulatory Commission's suspension of licencing proceedings for nuclear flual sprocessing plants constituted a "taking" of its South Carolina nuclear flual exprocessing plants for a public purpose without just compensation. Franch ettorneys successfully defended equinst a claim in Jappesea. States for over \$15 million krought by a publicher determines accessfully defended equinst a claim in Jappesea. Inc. V. United States for over \$15 million krought by a publicher determine the Covernment received \$1.6 million as a result of a service action; of an airplant crash. In Systom 2000, v. United States, the Covernment contractors) of an overfunded pension plan and an unitealosed charge by Systom in its cost accounting practices. Branch attorneys accounting reversal by the Court of Appeals for the Federal Circuit of a judgment of the Claims Court experience for the General Court of Appeals for the States of the General Court of Appeals of the Court of Appeals of the General Court of Appeals of the Court of Appeals of the General Court of Appeals challenging the award to IHM of the contract for the development of the next generation air traffic contract for the development of the next generation alternation structure about of Contract for the development of the next generation and traffic

Foreign iditiontion in ISS Midday - M.V. Cache, the Branch's Poveign Iditiontum is recovered \$1.05 million in settlement of an admiralty case in England involving a collision between the two ships. In the Italian Tax Mithholding Cases, the Branch was responsible for the successful defense of management for italian courts involving in excess of \$10 million brought by local-hire exployees of the Department of the Navy seeking relativement for the Cases were decided favorably for the United States in the Italian Spreme Court. In In Re Prigiting, the Government has attached \$1.5 million in Swiss bank accounts for all in the procurement of maritthe subsidies. The Prigiting case is scheduled for trial in the spring of 1989. Numerous breach of contract suits are expected explines the United States arising out of the closing of the Torrejon Air Base in Spanish courts. Exach attorneys will coordinate the defense of these cases with foreign coursel representing the United States and Air Porce attorneys.

Patent Litigation. The Branch's defense of patent suits against the Government saved the Treasury over \$3 million in <u>UNC Electronics v. United</u> States, more than \$4 million in <u>Nazeltins v. United States</u>, and over \$10 million in <u>Pacific Technics v. United States</u>.

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International Trade Litigation. In Springfield Industries Opro. V. United States, Branch attorneys successfully defended the Treasury Department's implementation of the Anti-Apartheid Act, which prohibits the importation into the United States of iron and steel from South Africa. Branch attorneys obtained a decision in National Corn Growers Association V. Baker holding that, when the Oustons Service raises the rate of duty for a particular article, Oustons may allow shipments of the article to continue to enter the United States at the lower rate for a limited particular

Automated Littigation Support Accomplianments. ALS has been decisive in major frands cases. In <u>Electronic Data Services v. U.S.</u>, the successful settlement of the case depended on the detection of the "anothing gan" document found via ALS. In <u>U.S. v. Dagaro Corp.</u>, a customs frand case, a database of over 30,000 key documents was established, and through analysis of transactions, confirmed the pricing violations occurrences strengthening the Government's assertions in this \$162 million case,

Increase/Decrease	18 9 \$3,709
	Pos. W Amount. Pos. W Amount 295 275 \$31,884 18 9 \$3,709
1990 Base	Pos. M. Ancurt. 277 266 \$28,135
Program Changes:	Commercial Littigation

The Commercial Branch is a leading force in protecting the Government's financial interests arising from the vast commercial undertakings of the Government. The Branch's top priorities are recovering defrauded and wasted funds and securing the Government's share in the complex contract claims associated with the increases nature of the Government's commercial activities. The financial stakes in commercial litigation are sentences, with dollars at lease expected to claim from \$22.6 billion in 1997 to \$27.2 billion in 1990. Marked increases in the shear volume of work continual, particularly in Caims Court litigation and anti-frand responsibilities in both national and foreign courts. Adequate staffing and litigation support resources are fundamental to the Branch's ability to effectively represent the Government. A program increase of 19 positions and \$3,721,000 for the Commercial Branch is necessary. This funding includes \$2,576,000 for Automated Litigation Support (ALS) services. The 1990 Estimate reflects management and productivity savings of 1 position, 1 FTB and \$12,000.

Claims Court. This funding includes \$905,000 for Automated Littigation Support (ALS) services. Both the number and complexity of the cases filled in the claims Court. This funding includes \$905,000 for Automated Littigation Support (ALS) services. Both the number and complexity of the cases filled in the claims court have increased significantly. In the past, the larges Covernment contract cases were brought before agency boards of contracts appeals, and the Division was not responsible for their littigation. However, more Covernment contractors are electring to pursue their large and more complex claims in the Claims Court, rather than before administrative boards. During the past three years the number of contract dispute cases filled in the Claims Court, rather than before administrative boards. During the past three years the number of contract dispute cases filled in the Claims Court was more than 26 percent greater than the number filled in the asses period in 1986. Branch attorneys are now detending in the Claims Court as continually growing number of multi-allilion dollar cases involving voluminous discovery. By 1990, the Treasury's exposure will exceed \$5.04 billion. Additional staff is essential to the continued defense of these nondiscretionary

cases; without augmented resources, the Branch would be forced to delegate over 200 defensive cases to the U.S. Attorneys in all areas of Branch to ensure continued resources are available for the mandatory defense of the Claims Court cases.

In addition to critically needed staff, an infusion of ALS services is needed. These services are essential to organize the large document collections, essectiated with contract cases. ALS is the only way to make this mass of varied material available to the attorneys in a usable form. The contract expects provided by ALS enables attorneys to identify and isolate the key issues and testimony from the volumes of accounting documents, price proposals, purchase orders, deficiency reports and contract specifications generated through discovery. For our largest cases, ALS is the only way to unearth vital evidence hidden in massive volumes of data and offers the only possibility for meeting our corporate adversaries on equal par. Rights. Thirteen additional positions and \$1,675,000 are necessary to provide the staff resources to uncover and penalize fraud. This funding includes \$1,128,000 for Automated Litigation Support (ALS) services. Last year's enactment of three major anti-fraud laws has compounded the already complex workload by placing a number of mandatory responsibilities on the Branch's lawyers. In the short time since their enactment, these statutory provisions, while improving the ability to bring civil fraud suits, have been and will continue to be an enormous drain on Civil's resources. The new legislation, combined with a substantial rise in Department of Defense referrals, has greatly expanded the Division's anti-fraud responsibilities.

Palse Claims Act. Amendments of 1986: The "qui tam" amendments provide new incentives for private citizens to initiate civil fraud lawsuits on the boardy of the boardy to an individual from successful litigation while imposing strict requirements on the Division. The amendments require the citizen to provide the Division with a copy of the material evidence supporting the fraud allegation. Division attorneys have only 60 days to review the allegations and evidence and determine whether the Covernment should enter the lawsuit. This process is extremely labor-infersive because investigations have to be conducted in such a compressed time-frame. Additionally, should decide not to participate, the amendments require Division monitoring of pleadings and discovery and assessment of litigative risk and the terms of settlement; the Attorney General is required to approve any dismissal by the initiating citizen as well as any case settlements.

Since the amendments have been passed the Division has received an average of one new case a week, compared with a total of 20 cases in the previous decade. So far, over 100 "qui tam" cases have been filed; the vast majority are major procurement fraud claims brought against problection conjunctions and involve multiple components of Federal agencies. Continued growth in these cases will result from heightened publicity, particularly as citizens receive monetary earnies. The Opportance to required to diligently investigate and pursue maritorious claims. Similarly it is required to take a position with the court regarding proposed settlements and dismissals of cases. The unique intensity of these cases will continue to consume the limited resources available for frond litigation. Without additional resources, the Department would necessarily have to decline worthy cases, trusting that they would be handled by private course, or citizens appearing pixe Es in a way beneficial to the Government. <u>Program Frand Civil Remedies Act</u>: In the past, small dollar frand cases have been delegated to U.S. Attorneys for consideration. However, under this Act, these cases will be hardled administratively by the agencies. The statute requires a decision by the Assistant Attorney under this Act, these cases will be hardled administratively by the agencies. The statute requires a decision by the Assistant Attorney referring agency to proceed administratively. Attorney time is needed to littigate the most complex of the cases and appeals and to track and evaluate agency referrals as required by law. Implementation of the new statute will take some time as agencies become acquainted with

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requirements for developing quality referrals. By 1990, the Division expects to see an agreciable rise in the volume of referrals. Adequate staffing is essential to meeting the mandatory requirements of this law and ensuring returns to the devotion of agency time resources.

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ARLI-Kickback Act of 1986: This Act substantially expanded the coverage of the existing statute to cover every form of preferential action affected by bribes paid by subcontractors to coverant prime contractors and redefined the kickbacks to cover a much broader range of activities. It also provided for double demages and civil penalties, resulting in an intensification of criminal prosecutive efforts against this form of corruption. That effort is expected to continue, with a concentration the Division's caseload.

Department of Defense (DDD) Referrals: DDD has instituted a number of measures to expand the frank-deterrence programs, both in the United States and abroad. Division attorneys are responsible for referrals from DDD's voluntary self-disclosure programs which has been dramatically successful and has become a source for a large number of strong, high-dollar frank cases. These are resource-intensive became which has been as a source for a large presently open cases indicates a Government loss in access of \$127.6 million. Attention to these cases counce be deferred without undermining DDD's programs and the Government's anti-frank strance. A second part of DDD's civil frank propers inclines a lay 1966 Policy Memoranian directing that reports of frank in foreign countries be routed to the Division's Manich of flow. As a result of this program, during 1967, the office received of result in foreign countries be routed to the Division's little and received procured to determine the viability of little and an access out or to represent the Government's intenses in foreign coursel to determine the viability of procurement frauk and other frauk overness will be stymied.

The program increase includes \$1,128,000 for ALS. These services are integral to the ability of the Government to bring viable suits. Frands cases involve large number of transactions, each with supporting documentation as well as grand jury and other investigative information. All the documentation must be meticulously examined as the evidence is almost always concealed. ALS gives attorneys the ability to correlate documents to withese testimony, cross-reference data, durantologically sequence records and evaluate all the data in proceeding with trial or settlement negatiations. During the course of discovery and other trial preparation, the scope of a case on change domatically requiring the addition of new categories of evidence; ALS allows for this flexibility as well as continuity of the case over the time it takes to fully litigate the case. Denial of ALS funding will stymie our ability to prevail in our most significant efforts against large componets adversaries.

In 1988, the Branch obtained over \$176 million in fraud settlements and judgments —— more than double the recoveries from 1987 and a threefold increase over 1986. These results affirm a statistical analysis of the impact of resources devoted to fraud litigation which provided evidence of the beneficial results of additional investments in this key area. For each additional dollar invested in frauds litigation, the Division can expect to realize a return in terms of favorable judgments, seaths and Settlements of \$10. The expected net return, over time, to the Treasury from the addition of 13 new positions and \$1,128,000 in ALS 18 \$173,939,129. With these additional resources the Division will continue to make fraid against the Government a coachy and unrofitable way to do business. Without additional recoveries the Division will have no choice but to force initiation of 222 cases in 1990 resulting in the forfeiture of millions in potential recoveries. The Government's fight against waste, fraud, and abuse will be irreparably frustrated without the requisite staff.

Banknutky. The program increase includes \$543,000 for ALS services critical to the protection of the Government's creditor rights in k loan default, Government contract and debt recovery. Potential Government losses will exceed \$11 billion dollarm by 1990. These cases

ALS allows expenization and timely access to these materials and facilitates Without ALS, the Division's ability to present propored and compalling cases namerous claimsrie, large document collections and meny depositions, the recognition of the interdependence of seculngly discrete issues, on par with those of our opponents is severely haspered.

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Incresse/Decresse	Pos. Mr Amount	4- 1- 1-
	Ros. M. Amount	
1990 Base	Post, MY Amount	151 140 \$12,590
1989 Appropriation Anticipated	Pos. W. Amount	151 140 \$11,873
	-	Federal Programs

ğ LONG-KRINGS GOAL: To successfully defend against the challenges to Federal civil programs, policies and initiatives and to enforce remedies statutory violations of Pederal programs.

Major Objectives:

To prevail on behalf of the United States in defensive civil litigation which arises from judicial review of the programs, policies, initiatives and decisions of the President, Exercise.

To initiate and prevail in affirmative litigation aimed at remedying statutory and regulatory violations.

Base Program Description: The Federal Programs Branch serves to defend the integrity and enforcement, and often the continuing existence and viability, of virtually all Pederal agencies' programs, policies, initiatives and decisions. The public, either individually or through various organizations and groups, has turned increasingly to the courts in an effort to charge programs, policies and decisions they preceive to be deficient. Consequently, the Branch mast vigorously defend against least charges to sever-increasing number of vital Government projects to courte they are not frustrated through the judicial process. In civil litigation, the Branch represents the United States and its nearly 185 Departments and agencies, Nembers of Congress, the Rederal judiciary, Cabinet members and other Rederal encoutives, officers and employees acting in their official capacities. Not of the litigation is defensive.

The litigation defended by the Branch, while generally not for specific mornetary ascents, does include cases with actual or potentially messive impacts upon the Pederal tresary and budget. Often this defensive litigation handled by Branch attorneys affects Pederal entitiesments expenditures where challenges to restrictive statutory provisions and regulations could result in judicial decisions which would entitle paintiffs to Pederal benefits estimated to cost billions of dollars over the life of the entitlements program. Also, the Branch initiates affiliantive litigation to reserve statutory and regulatory violations. This litigation is essential because violations challenge the Government's ability to enforce its laws and standards.

The Federal Programs Branch also serves as the emergency civil litigation center for the Government, handling the very complex litigation brought applies the Government under extraordinarily short time frames. This litigation is most often extremely sensitive, controversial, highly visible and of national and/or international importance.

Markload and Accamplishments: Workload of Pederal Programs is presented in the following table:

1. Perronally Hardled a. Pending Beginning of Year b. Received Durling Year 7. Texninated Year 7	Federal Programs Littigation			 Estim	Estimates
1y Hardled 810 944 967 reg Beginning of Year 810 944 967 wed During Year 359 300 559 nated During Year 225 277 524 Bit of Year 944 967 1,002 reg River 945 1,002 1,002 reg River 946 1,002 1,002 reg River 947 1,002 1,002 reg River 947 1,002 1,002 reg River 1067 1,002 1,002 reg River 1067 1,002 1,002		1987	1988	1989	1990
During Year 359 300 559 840 but of Year 4419 \$1.600 81.678	Jy Handle ng Beginn	810	. 776	54	8
8ct Lutring Year 225 277 5.24 Set Lof Year 944 1.002 1,002	b. Received During Year	359	300	526	595
At Issue (Hillion) \$1,419 \$1.600 \$1.678	d Dending Bod of Water	552	277	524	414
	e. Dollars at Issue (Million)	\$1,419	\$1.600	1,002	1,183
	Attorneys	2,961	2,864	2,989	3,304

The Federal Programs Branch represented the Government and its officers in many cases of national importance involving significant constitutional and statutory challenges.

Drug Testing iditioning. The Federal Programs Branch represented the Government and its officers in meny cases of national importance involving significant constitutional and statutory challenges. For example, the Branch is defending more than a dozen cases challenging on Fourth Amendment and other constitutional and statutory grounds civilian drug testing programs for sensitive positions instituted by various assencies, including and leadership in policy development of Defense, the Federal Aviation Administration and the Osforoms Service. Incomplish its litigation efforts and leadership in policy development, the Branch has been in the forefront of the effort to admiss the President's goal of a drug-free Federal workforce. As more and more Federal assence of any notices amounting the implementation of drug testing programs pursuant to Emerctive Order 12564, we expect a spate of additional litigation challenging the requirements of such agency plans.

All-Textain Vehicles. The Branch this year obtained a comprehensive package of safety relief against the distributors of All-Terrain Vehicles (ATVS) in a massive settlement of an action brought on behalf of the Consumer Product Safety Commission seeking to have ATVS declared "imminent hazards." Characterized by the United States District Court as going further than any such agreement has ever gone, the decree embodying the agreement requires extensive mafety-related relief in the areas of training, inclose and exhertisements and ends sales of new three-wheeled ATVs, the more dangerous models.

Separation of Powers. The Branch has been active in a number of suits involving separation of powers principles, including defending challenges to the Sentencing Guidslines adopted by the United States Sentencing Commission. These cases primarily involve claims that the Sentencing Commission violates the constitutional principle of separation of powers by impermissably mixing executive and judicial powers.

1990 Census: As with the 1980 Census, numerous suits are expected challenging various aspects of the Census Bureau's plans to conduct the 1990 population count. Among the areas of dispute are questions of statistical adjustments for undercounts in certain areas, exclusion of military personnel and others stationed overseas and inclusion of undcommented aliens in the United States. The Branch is already involved in the "illegal alien" issue in Ridge v. Verity and is deferring the Commerce Department's decision not to adjust statistically the 1990 census counts in City of New York v. Verity. Both issues are extremely important because of their potential effect on the apportionment of Congressional seats.

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GOVERTMENT PRISOTRED Litigation. The Branch is devoting substantial resources to defending Perez V. Federal Bureau of Investigation, a Title VII class action charging the FBI with employment discrimination against Hispanic agents in assignments, promotions and discipline, and with retailation against them. From March to September 1988, seven attorneys worked virtually full-time preparing for and defending the case at trial. The damages phase of the litigation continues to require substantial attorney and paralegal time. This suit is typical of several which have greatly strained Branch resources over the past few years. Indeed, there are three other meassive class actions pending which may require similar resources to defend.

Covernment Financial Systems Idication. The Branch is at the forefront in defending challenges attacking Congress's most recent effort to save the Farm Credit Administration's efforts t implement that Act. Over \$35 million are at stake in this critical litigation.

Program Changes:	1990 Base Perm.	956	l	Perm.	Estin	1990 Estimate	Increa Perm.	0/95	Increase/Decrease Perm.
	3	Ħ	Pos. MY Amount	100	Ħ	Pos. MY Amount	3 86	Ħ	Amount
Federal Programs	151	140	151 140 \$12,590	150	140	150 140 \$12,583	-1 -1 -\$7	7	-\$1
The 1990 Estimate reflects management and productivity savings of 1 position, 1 FTE and \$7,000.	saving	s of 1	position, 1	1 FTB and	\$7,0	ġ			

Cipal Cipal Y	1989 App Anticipal Perm. Ros. M 35 34	1990 Base 1990 Estimate		35 34 \$2,525 35 34 \$3,135	a de de
Appropria	1989 Appropriation Anticipated Perm. Ros. MX Amount Littigation 35 34 \$2,383				of commercial from defect
	1986 Articles Regarded 1986 1986 1986 1986 1986 1986 1986 1986 1986	Appropri	PK PK	34 &	freferente

1008 Long-range

Major Objectives:

To provide effective enforcement of Federal consumer protection statutes through institution of affirmative civil litigation.

To consider the prosecutive merit of criminal metters under consumer protection statutes and initiate or assist in the conduct of appropriate criminal proceedings To represent the United States in defensive litigation when initiatives and programs of the principal consumer protection agencies are challenged. Base Program Description: The Office of Comesser Litigation has responsibility for litigation under Federal statutes that protect public health and safety and regulate unfair and deseptive trade practices in interstate commerce. The Office defends the programs, policies and decisions of the Government in consumer related areas and enforces those policies by both civil and criminal sanctions in order to avert health risks to the public and deter economic fraut which has a significant impact on the economy.

The Office of Consumer Littigation initiates affirmative litigation to ensure that unsafe and achiterated foods and chuys do not reach the marketplace, protects the integrity of the drug approval process and enforces Federal policies in the regulation of foods. Referrals from the Food and Drug Administration, which necessitate the initiation of criminal prosecutions, constitute a major and growing focus of the Office's work. Once mostly relatively simple misdemeanor cases, FDA referrals now are largely felony prosecutions for diverse illegal activity.

Other litigation the Branch initiates to protect consumers covers hazardous and unsafe consumer products, unfair debt collection and consumer credit practices, franchising and door-to-door and mail order sales. The Office also seeks the enforcement of administrative orders relating to price fixing and divestiture, unfair and deceptive advertising practices and cigarette and automobile labeling. The Branch defends the Government in challenges to Rederal policies and initiatives aimed at protecting the public in its purchase of foods, drugs, devices and consumer products.

Consumer Littleation			 Esti	imates
	1987	1988	1989	1990
1. Personally Handled				
A. Pending Beginning of Year	249	282	366	388
b. Received During Year	149	516	146	148
c. Terminated During Year	116	132	727	132
d. Pending End of Year	282	366	388	5
2. Received and Referred to U.S.				
Accomens	215	8	267	275

Rood and DANE Administration (FDA) Littigation. The Office of Consumer Littigation continued a nationwide crackdown on the much publicized blackmarket in literal steroids, which are hormone drups used by certain athletes to promote rapid muscle growth. The efforts of the Office have resulted in the successful prescution of approximately 150 individuals, with memors terms of imprisonment imposed and approximately \$1 million in fines assessed. The steroids investigations have grown in size and complexity, with the participation of the FDI, FDA, Postal Sarvice and Oustons Service, these efforts have resulted in the seizure of over \$12 million in lilegal steroids.

Among other notable criminal prosecutions, the former president and the former vice president of Beech-Nut Martition Corporation were each sertenced to a year and a day in jail and \$100,000 fine. Appeals were taken and await decision by the Second Circuit. The case arose from the prosecution of Bech-Nut, which earlier pied guilty to 215 felony counts of Bood, Druy, and Ossmetic Act violations, stemmling from the prosecution of Bech-Nut, which earlier pied guilty to 215 felony counts of Bood, Druy, and Ossmetic Act violations, stemmling from the corporation's sale of artificially flavored supar water as "100% pure apple juice" for use by children. The Office obtained the laryest fine ever imposed under the Act, a \$2 million fine against the corporation (United States V. Beech-Nut Mitrition Corporation Confidence to Proceeding annuals and distribution of larye quantities of counterfeit birth confidence in the largest tens of imprisonment ever imposed for violations of the Act (United States V. Alforso, et al.). The office also laurated aboved investigation into importation and distribution of unapproved animal drugs for use in food-producing animals. Efforts of the Office thus far have resulted in the indictment of two individuals (United States V. Heinz Dall and Robert Clack), the filling of criminal informations equinat ten other individuals and the seizure of more than 30 tons of adulterated and misbranded animal drugs.

In other Pood, Drug, and Ocsmetic Act enforcement actions, in St. Louis, the corporate manufacturer of the drug E-Ferol, which was linked to the deaths of 38 premature infants, and two former drug company executives, after a nine-week jury trial, were consisted of 13 felony counts of company executives, after a nine-week jury trial, were consisted of 13 felony counts of company executives, and it is and and substantive violations of the Act. In addition, one corporate officer pled quilty to wire fraud and the corporate

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distributor pled guilty to 17 felony violations (United States v. Carter-Glogen laboratories, Inc.). In Mismi, a corporation was charged with 43 courts, involving misrepresentation of the sefety of heart pacemakers, conspiracy, and making false statements to FDA (United States v. Cordis Copp., et al.). A Michigan company and its president were charged with misrepresenting the nutritional value of a soy milk product manheted as infant formula, in violation of the Food, Erug and Cossetic Act. The president pled guilty to one substantive court, and the firm pled guilty to 12 substantive courts. (United States v. Edge Foods, Inc.). A Massachusetts infections (United States v. Edge Foods, Inc.). A Massachusetts infections (United States v. Constantine Rostes). The Office of Consumer Litigation filed a lawsuit to show the Constantine Lostes infections are curse for numerous ailments but for which it has failed to obtain new drug approval from the EDM (United States v. Make Co., Inc., and Willy Mg).

(United States v. NAMM Co., Inc., and Willy Mg).

Rederal Trade Commission (FTC) Iditioation. On behalf of the FTC, the Office of Commission filed suit in Ione against a major talemarketing firm, its principal officers, and numerous affiliated regional dealers, charging them with a nationalde pattern and practice of deceptive magazine subscription sales via telephone, involving huntreds of thousands of commission the action seeks to have the firm hald in civil confempt of a 1980 concent decree, in which the firm agreed to comply with an earlier FTC order, and seeks substantial civil penalties and injunctive relief spaines a Maryland used car dealer for failure to display cartain warranty disclosures on used cars as required by an FTC rule (United States v. Cystal Ford. Idd., et al.), and in a number of cases, the Office enforced the agency's Funcal Practices Rule, through suits seeking civil penalty and injunctive relief.

Consumer Product Safety Commission (CRSC) Littoation. The Office assisted in obtaining substantial injunctive relief in regard to hazardous all-terrain-vehicles (United States v. American Honda Motor Co., Inc., et al.). Also, the Office conducted littigation against two manufacturers of playground equipment on which a large number of small children were injured, seeking civil penalties for failure to report defects (United States v. Miracle Recreation Regiment Co., Inc. and United States v. Game Time, Inc.).

<u>Expression of the lightestion</u>. The office of Consumer Litigation continued its prosecutions of used-car dealers engaged in character-tampering. An investigation in Massachusetts resulted in seven indictments of 22 used-car dealers. In worther matter, in the largest single character fraudifichent returned to date, 11 individuals were indicted in Rhode Island (United States v. Persectino, et.al.). These cases are expected to price to trial in 1989. In one notable consecting case in Georgia, juny-tampering also became an issue, and the Office successfully defended an appeal to the Elevanth Circuit by four of the defendant's attorneys who sought to quash supposens directed at the attorneys under the crime-fraud exception to the strong-client privilege (In re Grand Jury Exposins Served on Rum Attorneys).

Program Charges:	1990 B	98		1990 E	tinat		Increa	36/Dec	18939	
	198	X	Pos. MY Amount	B 08	Ĭ	Pos. W. Amount	188	¥	Ros. MY Amount	
Consuser Litigation	35	75		32	25	\$3,135	:	:	\$610	

To enable pursuit of a growing number of Pood and Drug Administration (FDA) referrals and thus strengthen the Government's ability to deter and pumish economic orime, including the illegal marketing of drugs, a program increase of \$610,000 for Automated Litigation Support is necessary.

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EDA Referrals. FDA referrals, which necessitate the initiation of criminal prosecutions, jumped 42 percent between 1984 and 1987. Once mostly relatively simple misdemeanor cases, FDA referrals now are langely felony prosecutions for diverse illegal activity, often involving large time squas, many participants, and hupe volumes of data camouflaging patterns of violations and frauds.

Extensive activity nationalds in the illegal distribution of steroids constitutes a growing area of focus for the Office of Consumer Littigation. Over the last three years, Consumer attorneys have identified at least 32 different types of countarfelt staroid drugs under 82 labels as they have uncovered evidence of a fast-growing black-market in these hormone drugs. These drugs pose alarming health hazards to athletes and others who take the drugs to enhance performance or physical appearance. Taking staroids can lead to liver cencer, heart attacks, psychotic behavior and startility. The demand for these drugs is so great and the profit potential so high that illegal manifecturences, operators and dealers will meet that demand. In the last year, the number of staroids referrals increased 73 percent. Of the 131 referrals received in 1988, the office of consumer Littigation opered 51 investigations and prosecutions. Lacking adequate resources, the office has been forced to turn down 20 investigations; the remaining 60 referrals have been deferred indefinitely.

Brachest of the Arti-Drug Abse Act of 1988 ensures continued explosive growth in referrals by stiffening penalties under the Rederal Food, Drug and Ocsastic Act for trafficting in anabolic steroids. In addition, the Act authorizes the FDA to spend an additional \$5,000,000 to increase enforcement in a number of areas including staroids. Because staroids are not on the schedule of controlled substances, the only vehicle for prosecuting offenders is through craiminal enforcement under the Food, Drug and Ocsastic Act and related lass — a responsibility which recess squares with the civil Division. The increase in referrals that will be precipitated by the new law carrot be absorbed at existing funding levels. The computer support and pool of experienced paralegals offered through the ALS program can provide the assistance and tools desparately needed by this small staff to meet its responsibilities in this critical anti-drug abuse initiative.

In addition to the explosion in steroids referrals, office of Consumer Littigation can be expected to see substantial increases in the referrals of cases involving significant investigative and prosecutorial efforts. Matters will be referred involving significant health frauks, including frauks involving AIDS, additional cases involving AIDS, additional cases involving AIDS, additional cases involving various clarkestine sometimes in the courterfeiting and illegal distribution of drugs. These criminal referrals are especially resource intensive as criminal prosecutions require a higher standard of proof than do civil penalties. Preparation for trial will constitute a function of many accounted to appeal adverse trial function of many and continued and continued and continued and continued to appeal adverse trial function.

In light of the growth in the volume and scale of FDN referrals, an infusion of ALS support is essential to support FDN prosecutions. Antherization of suspected violations requires the aid of computer support because the proof required to obtain criminal convictions is frequently buried in voluminous records, prohibiting menual review. Of special concern is the illegal sale of prescription drugs, where successful prosecutions rest on the ability to track thousands of bank transactions, sales records and phone orders, embling attorneys to uncover evidence of conspiracy and frauk. ALS is also needed to identify patterns in the illegal distribution of drugs such as steroids, and trace shipments and lot numbers of counterfelt drugs.

ö ALS is a prerequisite to building viable prosecutions. Without the sought increase, major prosecutions will be foregone, undermining FIN's investigative work and leaving the public vulnarable to economic fraum, adulterated food, illegal distribution of steroids and the marketing or unapproved drugs.

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		Ħ	Pos. M. Amount		Ħ	Pos. M. Amount.		Ħ	Pos. W. Amount	Pos. NY Medunt	Ħ	Amount	
tion Litigation	\$	9	\$4,031	9	9	\$4,275	\$	\$	\$4,942	v	m	\$667	
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1989 Appropriation

Long-range Goal: To protect the intermets of the United States by successfully defending challenges to Pederal civil immigration programs, policies and initiatives and conducting civil litigation under the immigration and naturalization laws.

faior Objective

To prevail in all civil immigration litigation arising under the Immigration and Nationality Act and related laws including appellate litigation challenging trial court or administrative decisions in favor of the United States.

To enforce programs undertaken for the purpose of facilitating the apprehension, detention, and expulsion of aliens who lack lawful authority to remain in the United States and to represent the United States in civil litigation brought against officers of the Imagnation and Naturalisation Service and other imagnation-interested agencies in their official capacities.

Base Program Description: The Office of Immigration is responsible for handling a wide variety of immigration cases — individual challenges to enforcement programs and administrative decisions, class action attacks on statutes and procedures and mains directed against. Government officials responsible for immigration enforcement. The Office of Immigration listigation also defends partitions for review filled by individual aliens in the courts of expeal to challenge deportation orders, and actions brought by aliens in the district courts attacking the circumstances of their confinement and/or orders of exclusion from the United States. These cases have the potential for sevencely haspering the ability of the Immigration and Naturalization Service (188) to enforce the laws exacted by Congress and for weakening the Government's ability to respond to the influe of illegal aliens. Such mains typically involve respond to the stateming orders and/or preliminary infunctions, extensive discovery and trial.

Newly enacted legislation, heightened efforts to contact terrorism and the resumption of the repatriation agreement between the United States and Cube have expanded the Office's responsibilities drawstically. The Office is defending major class actions challenging the legalization provisions of the Immigration Reform and Control Act of 1986 (IRCM) — the most substantial overhaul of the American immigration law in 35 peoples of the Immigration and deported by the DW to implement it. As aliens are denied legalization, the Office is now receiving a growing number of individual challenges to legalization determinations. To deter future illegal immigration, the Office is new receiving a growing number of individual challenges to legalization determinations. To deter future illegal immigration, the Office is playing an employer sanctions cases once the INS moves from education to enforcement. Recent enactments, such as Title X of the Poreign Relations Act, attending statuted the major transition and deportation of aliens involved in acts of violence at Immigration is playing an increasingly critical role in efforts to bar or expel alien terrorists from the United States. In addition, the Office of Immigration is determinations are expected to speam new litigation because aliens who have been denied parole or ordered regatriated to Othe are expected to pursue all possible schinistrative and litigative remedies.

The workload of the Office of Immigration Litigation is presented in the following table: Morkload and Accomplishments:

Delgration Litigation			l Beti	motes
	1987	1988	1969	1990
1. Personally Handled			,	
a. Pending Beginning of Year	\$	412	342	717
-	582	385	99	615
C. Terminated During Year	377	452	384	483
_	77	342	7	
2. Received and Referred to U.S.				
Attorneys	200	602	1,053	1,784

The Office directly handles the most complex and sensitive trial and appellate immigration matters, which frequently raise significant challenges to the Nation's ability to control its borders. Notable examples include:

Catholic Social Services v. Messe. This class action broadly challenges the procedures adopted by the Attorney General to implement the Theology for the Common and Control Act (IRCA) and seeks to limit the ability of the INS to requiste the entry and employment of any alien who might explicit under the new act. After a successful interalcontry appeal reversing an injunction, the Office now confronts additional trial court challenges to continuing INS efforts to respond to the more than one million aliens who have applied for INCA benefits. Here and in other pending INCA class action suits (e.g., Avula v. Messe), plaintiffs seek to expend the categories of aliens who may apply for legalization and to extend the statutory application period.

ş Orantes-Hemandez v. Smith. The plaintiffs in this class action claim the INS oceroes Salvadorians into egreeing to return to El Salvador, walving their rights to a deportation hearing and their opportunity to apply for asylum. In 1982, the district court entered a nationwide preliminary injunction requiring INS to provide all arrested Salvadorians with a notice that they could seek asylum in the United States. Pollowing a three-year trial, in April 1988 the court entered a perment injunction requiring sustantial modifications in INS enforcement procedures. The injunction potentially affects the detention and removal of huntreds of thousands of illegal allens apprehended each year, case is pending on the Government's appeal to the Ninth Circuit. Batter of M.A. As political turnoil and socioeconomic misfortume in Central America and elsewhere bring many thousands of aliens to the United States who cannot otherwise qualify as landul immigrants, asylum and withholding of deportation cases continue to be a substantial and expending area of littleation. Despite the guidance of the Surveme Court's decisions in INS V. Stev'c and INS V. Cardozz-Ponesca, significant issues remain concerning the availability of reduces and the appropriate role of the Preferal courts in revisaling individual asylum deforminations. Editor of M.A. is typical of the numerous cases involving important questions concerning the alien applicant's chilgation to establish a wellfound fear of permecution. The Office has sought to preserve the primary authority of the Attorney General, in consultation with the Becardary of State, to adjudicate individual asylum claims.

Welernez V. Senko. With increased frequency, district court actions are knowing to challenge the methods by which DNS seaks to detect and exprehend aliens who have entered or remained in the United States without lawful authority. A number of such suits, such as this California class action challenging joint operations in which the DNS expected the service of arrest and search warrants by state and city police, target the relationship between Pederal and local law enforcement agencies in an effort to disrupt or discourage cooperative efforts in matters bearing upon aliens. In Welesquez and similar cases, the Office has accessfully resisted the demands for injunctive orders restricting such cooperation.

Refeedia v. DS and American-Axab Arti-Discrimination Committee v. Messe. Increasingly, immigration law is being used as both a sword and a shield against terrorism. The Office is involved in several court actions challenging DS efforts to remove alien terrorists and to deny to such aliens the opportunity to use thair presence in the United States to export their violent objectives. Cases such as Refeeding involve the Communer's extractly to summarily exclude an alien terrorist based on classified information; American-Axab involves a constitutional challenge to the Covernment's efforts to deport alien members of the Popular Front for the Liberation of Palestine (a component of the Palestine Liberation).

ME. Accompliancies: Under the terms of a relaborable agreement with the lamigration and Naturalization Service, ALS has been utilized to set up and operate a centralized records center to ensure that the Division and client agency attornays have access to up-to-date information partaining to up to 7,600 Marial Others. To date, the majority of the Marial Document Center's activity has been in collecting, reproducing and organizing the files, which average 500 pages. Over 15,000 abdillas, representing more than 1,400 individual Marial Others, have been received and processed. The heaviest area of activity in 1969 will be in support of the DRS and Departmental level review panels, as up to 600 parole and 600 repetitation cases may be processed through all review levels.

Increase/Decrease	Poe. M. Amount	6 3 \$667
O Patimate	Ros. M. Amount	43 \$4,942
	Rea M Amount Ros	
Expiran Changes: 195		Immigration Litigation 40

Medy enacted legislation, heightened efforts to combat terrorism and the resumption of the repatriation agreement between the United States and Othe have increased the Office's responsibilities markedly. As a result, between 1987 and 1990, our attorneys will be faced with a 241 parcent increase in trial receipts and as 65 percent increase in appellate receipts. At stake are issues of national concern — the viability of immigration reform, the Government's ability to keep alien terrorists out of the United States and the fate of the Mariel detainess. This vital work centro succeed without a program increase of 6 positions and \$667,000. This funding includes \$434,000 for Antomated Litigation Support.

Mew legislation. Four of these positions are required to meet vastly expanded responsibilities arising from new legislation. Challenges to the limitarion for the most substantial overhead of American law in 35 years, continue to proliferate. Currently ten major class actions have been filled challenging the legalization provisions of INCA and the procedures adopted by the INS. Case receipts are expected to class actions have been 1988 and 1990. Each consumes substantial amounts of staff time. Instagate staffing could weaken the Office's ability to prevail. The loss of any of these cases could have disastrous consequences for the implementation of the new immigration law:

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- Avida. Inc., et al v. Hesse, et al. and legalization Assistance Project of los Angeles County Federation of Labor (AFL-CTO), v. INS challenge the regulatory requirement that to satisfy the legalization prerequisite of an illegal status "Gnoom to the Government" of January 1, 1962, alien egpilomne must establish that their illegal status was known to INS.
- Center for Immigration Rolley and Refuges Assistance v. Messe seeks an order prohibiting has from applying its "appearent policy" of denying temporary residency to non-immigrant aliens who violated the terms of their student vises.
- <u>Harnandsz. et al. v. Hessz.et al.</u> seeks an order compalling INS to provide legalization applicants with an opportunity to seek a walver of the continuous residence prerequisite in cases where the alien has been absent from the United States.
- ORDIOLIC Social Services. v. Mense seeks a nationalde injunction restricting the equilsion of aliens that would paralyze INS' border control efforts.
- RESECTABLE V. Mess challenges the procedures applicable to aliens eligible for legalization under the special agricultural worker (SAM) provisions of IRCA.
- Northeest Forest Modeur Association v. Iung challenges the regulatory definition of "fruit, vegetables, and other perishable commodities" upon which the availability of SAM benefits depends.
- league of United Latin American Citizens (1917-0, 1985 involves the effect of departure and re-entry on an alien's eligibility for INCA legalization.
- Perales v. Mess seeks an extension of the application pariod for IRCA legislation for those whose U.S. citizen children received public sesisfancs.
- <u>Maitian Refuges Center V. Messe</u> challenges INS adjudication of special agricultural worker applications.

The end of the legalization process brings an end to the histus in administrative determinations and litigation which occurred during the ammesty process, precipitating a deluge of individual suits. In the past year, case receipts hive already more than doubled. As aliens are denied legalization benefits, they will contest deportability determinations on the grounds that they were wrongfully denied aemesty and will challenge determine the grounds that they qualify for asylum.

INCA's employer sanctions provisions were conceived of as a key means of deterring future illegal immigration, thus representing the cornerstone of the new law. Enforcement of the provisions will generate further growth in individual and class action challenges, as virtually millions of

employer-employee relationships will be affected. Howe importantly, the provisions will trigger namerous affirmative suits as DNS moves from education to enforcement in its phased implementation of employer sanctions. The first fines for violation are just now being adjudicated, and in 1988, the first employer sanctions case reached the court of Appeals. As "patterns and practices" of hiring illegal aliens are established, over 1888 and sailts will be brought chring 1990. These cases will require a substantial devotion of staff time to prosecute violators and sent a signal that employers who dischey the law will not go unpunished.

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Several other enactments will generate significant new litigation, compounding the impact of immigration reform. As claims of "ideological eachieston" provote significant controversy and legal challenges, new litigation is espected under the Section 901 of the Fureign Relations and underivated to A.C. [P.L. 100-204], which prohibits the exclusion of alliens for reasons of their beliefs, statements or associations. Also, a number of suits have been instituted challenging the Marriage Fraud Act (P.L. 99-639), which restricts the availability of immigration benefits to alliens who marry United States citizens. In a recent case, Kelly Salth et al. V. Immigration and Naturalization Service, the constitutionality of that law has just been whield, but the decision is expected to be appealed.

TEXTOXISS. Two additional positions are required to pursue increased litigation intensed to combat textorism. This litigation — in support of actions by consular and border officers to bar admission of suspected textorists — takes place in proceedings before the immigration courts. The suits frequently involve complex issues of fart and constitutional law, particularly lat and 5th Ameriment issues, as well as politically sensitive questions. They rank among the most important and most time-consuming cases handled by the Office.

Title X of the Foreign Relations Authorization Act strengthers existing statutes which parmit the exclusion and deportation of allers involved in acts of violence, adding to the armenal of provisions that INS and the State Department may use against aliens who seek to use the United States as a base for their terrorist activity. As these agencies increase their efforts to remove or exclude alien terrorists, the volume of cases will grow. Fueling this trand is a significantly expanded docket of litigation raising constitutional challenges to such enforcement efforts.

As current litigation moves to trial and as the Office's anti-terrorism docket grows, staffing requirements will increase dramatically, in keeping with the extreme labor-intensity of these cases. There is no way that the Office can pursue a vigorous program of anti-terrorist litigation without the requisite staff. Mariel Obbage. 843,000 for ALS is required to handle the encurous record collection and files paragement activities associated with the Mariel Illigation. On April 29, 1988, the Department amounced that the first group of candidates had been chosen for repatriation to Cube. This arrouncement represents a significant allectors in a series of events following the resumption of the repatriation collection to the build between the United States and Oubs. The agreement associated or States and Oubs. The agreement between the United Presents and Oubs. The agreement are required to span a new surge of Mariel litigation. These cases will follow the absinistrative review process currently underway. Allers who have been denied parales or ordered repatriated to Oubs are expected to span a new surge of Mariel litigation. These cases will follow the absinistrative remotes currently underway. Allers who where the been denied parales or ordered respected to the are expected to the determinations reinfered in their respective cases and class actions attacking the new parale and repatriation procedures. Over six hunted new surface depected in 1990 and the Division plans to personally handle the lead cases. Access to and control of the files of up to 7,600 Mariel Cabars, each containing an average of 500 pages, will be necessary. The operation of a centralized records center is the only way to ersure that Division and citert agents are allers—prior administrative decisions, public health service records and aller files of the center will provide file management, data entry, microfilm maintenance and retrieval services in support of upcoming trials.

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Increase/Decrease Perm.	Ros. M. Amount	:
ate	Pos. W. Amount	\$6,660
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1990 Perm.	Poet	101
	Pos. MY Amount	099'9\$
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1990	92	101
1989 Appropriation Anticipated	Anount	\$6,284
Pate La	Ħ	102
Antic Person	2	101
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<u>Igne-range Goal:</u> Direct the conduct handling and supervision of all litigation and other matters delegated by the Attorney General to the Civil Division in a fair, excessful and consistent menner.

falor Objectives:

to provide essentive leadership and maintain effective management while creating a proper balance between central control and attorney automosy.

To secure, develop, and retain a competent and motivated staff while maintaining a work environment conductive to maximum productivity and effective decision making.

To implement management improvements, provide administrative and automated litigation support services and effectively manage the Division's financial resources.

To present to the Department legislative proposals to promote the efficiency and effectiveness of the civil justice system.

Base Program Description: As the "Government's Lawyer," the civil Division represents over 180 agencies in tems of thousands of cases which present a potential loss to the Treasury of more than \$125 billion annually in direct ewards, higher program costs or changes in anticipated revenue. Annually the Division handles thousands of court challenges to the statutory integrity of the massrous Federal programs established by the Congress as well as challenges to domestic and foreign policies of the United States.

Over the last several years, the challenges and complexity of the Division's caseload have increased astronmically. In torts, the previous routine of relatively simple cases with few plaintiffs has been supplanted by an explosive growth of potentially budget-thusting litigation such as selected, relations and respons of cases, a single diagrate may involve tens of thousands of claimants, millions of pages of technical evidence and billions of dollars at risk. In the area of frank, the Division is increasingly taking on high-stakes cases, with dollars at issue doubling between 1982 and 1988. New statutory provisions such as the review requirements of the False Claims Amendments Act as well as the expanding caseload have dramatically increased the amount of time devoted to this litigation. With the passage of the Immigration Reform and Control DACA, routine immigration cases have ballooned into class-action challenges that threaten the Government's ability to enforce immigration reforms and protect our national security by the equilsion of alien terrorists have resulted in complex cases involving both constitutional and politically sensitive issues. Isstly, the Division's enforcement of consumer protection statutes has led to an escalating maker of criminal referrals resulting in fellow procecutions for activities such as drug counterfeiting and food schilteriting.

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	1987	1988	1989	1990
1. Personally Handled				
a. Pending Beginning of Year	18,112	18,965	19,393	21,276
b. Received During Year	7,587	7,274	9,527	9,382
c. Terminated During Year	6,734	6,846	7,644	8,141
d. Pending End of Year	18,965	19,393	21,276	22,517
e. Dollars at Issue (Million)	\$139,616	\$147,371	\$155,932	\$169,835
2. Received and Referred to U.S. Attorneys	20,022	16,853	18,425	19,997

Despite the relentless growth in claims and the striking complexity of cases, the Division has achieved urparalleled success in protecting the U.S. Treasury. Last year's efforts to recover defrauded and wasted funds, safeguard the creditor rights of Pederal agencies and collect debts and penalties broke all previous records. In 1988, the Division achieved the following successes:

- Secured \$1.6 billion for the Government in court-imposed awards and negotiated settlements;
- Restructured loans in excess of \$900 million; and,
- Collected in cash a total of \$250 million for the Treasury.

These accomplishments translated into a return of \$104 for each dollar invested by the Division on affirmative money recovery litigation.

Although affirmative litigation comprises less than 15 percent of the Division's entire caseload, the revenues generated for the U.S. Treasury as a result of this activity in 1988 exceeded, by a wide margin, the Division's operating budget of \$85.3 million.

Even more important to the taxpayer than our recovery and collection efforts is our high level of success in defending monetary claims against the Government. In cases defended by the Division which were closed during 1988, the claimants sought awards of \$40.9 billion. Awards and settlements in the cases were only \$90 million, representing a savings to the U.S. Treasury of \$40.8 billion. 1988 payments in awards and settlements were \$60 million less than we paid in 1981, even though the claims at issue in 1988 were four times larger. The Division has actieved unique successes in preserving the integrity of legislative initiatives and preventing billions of dollars in losses to the Treasury. Adequate funding of our litigative programs will safeguard these accomplishments and enable us to achieve even greater victories for the Government and higher returns for the taxpayers' investment.

Civil D'aysion Salaries et Romeses Financial Analysiu - Program Chances (Dollars in thousants)

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Grades	L.				l.									
G8/G#-15.		\$57	4	\$229	-	\$57	:	:	:	:	;	:	•	8343
GS/GH-14	-	6	เก	243	•	194	:	:	:	:	~	\$97	2	283
CS/G#-13	-	7	15	617	•	247	:	:	:	:	~	8	7	986
G8-12	-	32	~	69	•	:	:	:	:	:	:	:	n	절
GS-11	:	:	6	87	~	87	:	:	:	:	:	:	v	72.
Ge-7	- -	702	ß	92	~	33	:	:	:	:	~	-	ន	961
	- 	91	so.	83	~	32	7		:	:	:	:	-	21
Total roaftfore and areas														
rate	•	218	39	1,425	18	629	7	7	:	:	v	218	3	2,513
Iapse (-)	7 —–	-109	-50	-711	8	-333	:	:	:	:	Ÿ	-109	35	-1,262
•	_											_		
Total workyears and personnel	_		;				•				•		:	
Deracros benefits		6014	67	\$714	5	\$326	7	è	:	:	.	57.	7	107/14
Travel and transportation of		3		1		3		:		:		÷ .		3
persons	-	s		112		51		:		:	,	2		178
Other services	_	92		3,243		3,214		:		\$610		511		7,654
Supplies and materials	_	~		12		80		:		- :		~		8
Equipment		2		8		\$:		92		178
Total workyears and obligations											•	_		-
1990	ო —-	227	19	4,319	σ	3,709	7	?	:	- 019	- E	- 667	3	9,525
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Civil Division

Salaries and expenses. General Legal Activities

Ranking

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Program	Pederal Appellate Activity Torts Litigation 2 Commercial Litigation 3 Pederal Programs Immigration Litigation 6 Consumer Litigation 6 Management and Administration 6

Commercial iditigation Torts Iditigation Timigration iditigation Federal Appallate Activity Consumer litigation

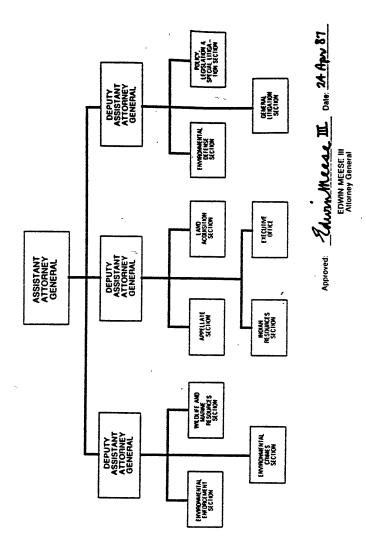
Civil Division
Salaries and Boenese
Betail of Permenent Rositions by Category
Piecal Varie 1988 - 1990

	1988	1989	1990	
Category	· Authorized	Authorized	Program Increases	Total
Attorneys (905) Paralegal Specialists (950) Gen. Admin. Clerical and	£\$	474	 2	22.22
Office Services (300-399)	355	355	36	32
Total	881	881		3
Washington U.S. Flaid Foreign Fiald	823 57 1		3 : :	891 57
Total	881	881	3	849

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D.

LAND AND NATURAL RESOURCES DIVISION



Land and Natural Resources Division

Salaries and Doperses, General Legal Activities

Crosswalk of 1989 Changes (Dollars in thousands)

ig ja	\$1,842 2,629 10,812 8,528 2,645	,456
Appropriation Enacted	8 E I I E 8 8	40 2
Appr	27 34 110 33	349
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Approved Seprocaming		:
		:
	430 4,531 1177 1177	27.155
Appropriation Actions on 1989 Request St. M. Aut.	: : ? :]?	27
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1989 President's Budget Request No. ' M. Aut.	\$1,872 2,680 15,343 8,705 3,578	36,170
989 President Budget Reques E. v. M. And	888188	3
Pos.	27 110 110	3
Activity/Program	5. Land, natural resources and Indian matters a Federal Appellate Activity b. Land Acquisition c. Environmental Protection d. General Idigation e. Management & Administration 702a.	

Congressional Appropriations Actions: Congress eliminated mandatory and program increases totaling 39 positions, 20 workyears and \$5,722,000 which were targeted for affirmative and defensive environmental litigation.

Land and Natural Resources Division

Salaries and Expenses, General Legal Activities

Summary of Requirements (Dollars in thousands)

											•	æ	14					
	Work- years Amount 340 S26.456	158		1,607	155	157	185	-1	83	256	₹	v	210	21	91	969	3,697	30,311
	Work-	:		:	:	:	:	:	:	:	:	:	:	:	:	, 111	:	340
	Perm Pos.	:		:	:	:	:	:	:	:	:	:	:	:	:	1	:	349
(nortate in choesants)	Addustments to base: Demonstration Aut. 1989	Transfer for Financial Operations Service from the General Administration Appropriation	Mandatory Increases:	1989 Full-year pay increase impact on 1990	Within-grade increases	Health benefits	GSh Bert	GSA recurring relimburable services	Federal Telecommunications Service (FIS)	Telephone Service	GPO printing costs	Employee data and payroll services	General prioring level adjustment	Full-field investigations	Security reinvestigations	Armulization of office automation operation and maintenance	Total, mandatory increases	1990 Base

Salaries and Expenses, General Legal Activities

Sumary of Resources by Program

thousands)	
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(Dollars	
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							1989 A	doudd	Appropriation										
	1388	2 8	1988 as Enacted	198	1988 Actual	lai	_	nacted		٦	1990 Base	386	88	Bet	1990 Estimate	Incres	00	SCIEDS#	
stimates by budget activity . Land, Natural Resources	2	Ħ	Amount	2	¥	Amount	5 2	×	Amount		Ħ	Amount		K	Amount		HX	Amount	
and Indian Matters: Pederal Appellate Activity	z		\$1,846			\$1,838			31,842		78	\$2,163		26	\$2,146	3	7	-817	
Land Acquisition	I !		2,643			2,632			2,629		8	2,950		8	2,933	7	7	7	
General Littigation	2 9		10,867 8,586			10,820 8,549			10,812 8.528		143	12,535 9,565		2 2 2 2 3 3 3	17,853	*	92	5,318	
Management & Administration Subtotal	30	쭤읓	2,661 26,603	대충	200	2,650 26,489	궤옷	쭤웆	26,456	귀옷	82	30,311	8 8	ឧដ្ដ	4,048 37,721	, rai C	77	35	
Reimburgable workyears		927	-	7	3		14	212			212			212		1	1		
Total workyears	٠,	210		•	861		•,	552			552			. 995			=		
Other Workyears; Overtime, other Total, compensable workyears	~	515		161	ଅନ୍ତ		, 443	557		*	557		1	571		•	12		

Land and Matural Resources Division
Salaries and Expenses. General Legal Activities
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Land, Natural Resources	1989	pprop	riation ed	1	990 B	986	19	3 OG	stimate	Incre	ag/De	crease	
and Indian Matters	Perm			Perm			Perm			Perm			
	8	걸	Amount	Bos	Ì	Amount	Bog	곀	Amount	8	걸	Amount	
Federal Appellate Activity	27	58	\$1,842	27	78	\$2,163	25	56	\$2,146	7	7	-\$17	
Land Acquisition	ž	8	2,629	34	9	2,950	32	28	2,933	7	7	-17	
Environmental Protection	145	143	10,812	145	143	12,535	179	159	17,853	5	16	5,318	
General Littigation	110	111	8,528	011	111		112	11	• •	~	:	1,196	
Management & Administration	a	87	2,645	33	8	3,118	8	គ	4,048	5	7	930	
Total	349	340	26,456	349	340		386	354	٠.	37	7	7,410	

This budget activity includes resources for defensive and affirmative environmental litigation including criminal prosecution to force polluters to clean toxic waste dumps and meet Federal standards for air and water pollution. Additionally, civil suits and matters relating to title, possession and use of federal land and natural resources, as well as civil litigation involving Indians and Indian affairs, are handled by this program.

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imate	WY Amount 26 \$2,146
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661	Post 25
88	Amount \$2,163
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19	Pos. WY Amount 27 28 \$2,163
lation	M WY Amount 7 28 \$1,842
propr	28年
1989 Appropria	Pos.
	Federal Appellate Activity

LONG-RANGE GOAL: To defend or assert the government's position in Land and Natural Resources Division cases in the appellate courts.

<u>Maior Objectives:</u> To defend successful trial court decisions and to file appeals from adverse decisions in all cases where appellate review is warranted.

To fully satisfy client agencies by formulating legal positions in appellate cases that best represent their interests.

To participate as anious curies in selected cases which have a significant impact on the positions and policies of the Division and its client agencies.

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Ease Excitables: The Appellate unit of the land and Natural Resources Division handles 90 percent of the appellate litigation arising from Division cases, and works closely with the U.S. Attorneys handling the remainder. Most work of the unit involves coordinating with client agency staff and trial section attorneys, analyses of the bases for appeal, solicitation from the Solicitor General's Office permission to appeal adverse decisions, and preparation of briefs and oral arguments. The unit also prepares draft briefs for the Solicitor General for cases which have reached the Supreme Court, and defends Excutive Branch decision-making authority in certain regulatory petitions for reviews. Finally, appellate attorneys are able to serve as a legal clearing house for the lands Division, because cases on appeal from all of the Division's trial sections pass through the Appellate unit.

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Accomplishments and Horklood: Accomplishments of the Appellate program are presented in the following table:

			Estin	pates	
Item	1987	1988	1989	1989	
Cases/Matters pending, beginning of year		696	1,023	1,093	
Cases/Matters received	280	288	320	335	
Workload Production Estimates:					
a. Cases/Matters closed	200	234	250	275	
b. Exiefs Filed	256	300	330	345	
c. Ozal Arguments	105	120	130	145	
d. Memoranda for the Solicitor General	123	150	170	170	
Substantive Motions	102	120	135	140	
Cases/Matters pending, end of year	696	1,023	1,093	1,153	

In the past year, the Appallate program has excreeded in obtaining recognition of riparian rights to water for federal lands in California (In.xe Determination of Rights to Mater of Hallett Creek Stream System, Calif.). Since the United States cans approximately 45 percent of all land in that state, significant accurate of water may be made available for the use of the United States. The program also prevailed in a longstanding dispute over indian religious consuming the use of federal lands (IMTEV. Morthwest Indian Cemetery Protective Assm.). Native Americans claimed that they had a First Americant right to prevent the development or use of public lands inconsistent with their religious ballats concerning those lands. Over 30 claims of this type involving hundreds of acress were resolved by this decision. On the environmental front, our most significant except some lands from concerning the environmental most sections. In one case, the court of appeals reversed a district court judgment that extended, over our objection, an agreed deadline for a plant's compilance with the clean Air Act (United States v. Meeting Pittsburch Steel, Corp.). In another case, the court elected an environmental group's challenge to a consent decree calling for a multi-million dollar clean-up of hazardous wastes (The City of Bloomington, Indiana v. Mestinghouse Electric Corp.).

In 1990, the Appallate Section must devote resources to reviewing private environmental litigation, with an eye toward taking a more active role in the filling of <u>anicus curiae</u> briefs in the courts of appeal. The Section has become increasingly aware of instances of private lawsuits making new case law in environmental areas of direct concern to the United States, but which do not involve the United States or any federal agency as a party. Such suits can rasplations under such a statute, which with the control ling can rasplate significant questions regarding interpretation of a statute (e.g., CERCIA), or respulations under such a statute, which may be control ling in assequent litigation involving the Division. The Section is currently undertaking a deliberate effort, in conjunction with the PISL, Environmental Enforcement and Environmental Defense Sections, to identify these cases in a timely manner. This effort, while potentially very beneficial to the government's environmental concerns, will be particularly resource-intensive as the need for attorneys to "get into" a case

not previously in the Division, write a memoranchm to the Solicitor General recommending <u>anices</u> participation, and subsequently write the brief itself, must all be accomplished within a relatively brief span of time.

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	Pos. W. Amount. Pos. W. Amount. 25 26 \$2,146 -2 -2 -\$17
	Pos. WX Amount 27 28 \$2,163
Program Charges:	Federal Appellate Activity

Program changes reflect management and productivity savings of two clerical positions, two workyears and \$17,000.

	1989 App. En: Perm	opriation	Perm	O Base	•	1990 Estimat	Esti	_	Increa	Dec /Dec	8609	
Land Acquisition	34.	MX Amount 30 \$2,629	Pos. WY Amount 34 30 \$2,950	450		Pos. WY Amount 32 28 \$2,933	₩ 8 ₩		Ros. MX		Amount -\$17	

To obtain real property necessary for public purposes, through condemnation proceedings which exercise the sovereign power of Long Range Goal: eminent domain.

Major Objectives: To secure the lowest possible compensation amands consonant with fairness to both landowners and the government.

To achieve a current status in the condemnation caseload (i.e., to reduce the caseload so that the backlog does not exceed the armual input).

Base Program Description: By means of the land acquisition program, properties needed for Congressionally authorized purposes, but which acquiring agencies are unable to directly purchase, are obtained through condemnation proceedings in which just compensation is determined and awarded to property owners. Acquisition by condemnation is a means of last resort; agencies are required by law, to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation and direct purchase before requesting condemnation. A top priority is to move these high-exposure cases expeditiously.

The unit conderns land for a myriad of federal public purposes authorized by Acts of Congress. Examples include the improvement and protection of navigable waterways, flood control, military facilities, national parks, forests, lake shores and seashores, scenic and wild river systems, reclamation and irrigation of arid lands in western states, electric power generation and transmission facilities, wildlife preserves, airports and air traffic control facilities, and buildings, offices and facilities for federal agencies. Unless the government is able to exercise eminent domain to acquire these lands, the public purposes for which they are needed will be frustrated.

The Land Acquisition Section includes units devoted to appraisal analysis, title research and opinions, and condemnation litigation. In most condemnation cases, the issue placed before the district convt is the fair value of property taken by the government, and thus the unit is heavily dependent on expert analysis and testimony. Approximately 22 percent of the caseload is handled jointly with the United States Attorneys.

Estinates	1987	. 6,312 5,763 5,768	933 794	1,482 789 900	5,763 5,768 5,718
	Item	pending, beginning of year	received	closed	pending, end of year.

In 1988, the Land Acquisition Section handled claims of over \$58.2 million for property which government-contract appraisers valued at \$16.7 million. This difference of \$41.5 million was the critical issue in the Section's levenits. During 1988, courts exercised judgments in these cases totaling \$17.8 million, representing a savings of \$30.3 million schieved by the program. For the tracts pending at the start of 1989, government appraises the value at \$697 million, while landowners claim over \$1.8 billion — as difference of over \$1.1 billion.

Among the land Acquisition program's accomplishments this past year, was the presentation of a four-day national seminar on eminent domain law and procedure. The seminar was primarily for the training of Assistant United States Attorneys (ARSAs), but olient agency personnal ware also invited to extended, including a Misska and 63 cilent agency personnal approach. Approximately 190 persons from offices throughout the country attended, including and 63 cilent agency personnal. According to an evaluation by the Attorney General's Antocacy Institute, the seminar was wall-received. The program also initiated a malti-element management program designed to enhance the performance of the section, improve trial results, expedite the disposition of cases, and settlement about 640 cases in the Protection Island National Wildlife Pohyse project, State of Washington, which was the largest project on our docket. The trial awards and settlement amounts were favorable to the government.

On April 29, 1988, 8.90, an Act to Establish the Big Cypress National Preserve Addition in the State of Florida, was signed into law. The act provides for the acquisition of 146,000 acres of land to be substantially completed within five years of enactment. The administering agency, the National Park Service, anticipates approximately 2,500 tracts of land will be referred to the program for acquisition by condemnation. The agency further advises that it will be about 15 months after enactment of the bill before it will begin referring tracts, thus it is anticipated that the first receipts will be near the close of 1989 to be followed by approximately 500 tracts per year during the succeeding five-year paried.

Program Changes	1990 B Perm	950	Pera Fra	Estimate	Perm	26/Deci	98 PA
Land Acquisition	Roa. MX Amount 34 30 \$2,950	Ancunt \$2,950	315	13 28 \$2,933	-5 E	W Amount	-\$17

Program changes reflect management and productivity savings of two clerical positions, two workyears and \$17,000.

Influx of tracts due to passage of 5.90.

Secretary	25,31
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Perm	18 18 18
timate	Amount \$17,853
1990 Estimatu m	到影
E E	179
99	Amount \$12,535
20 B	궠문
•	145
1989 Appropriation Enacted	Amount \$10,812
oud Date	いる
Perm	5

Long Range Goal: To defend and enforce federal programs to protect wildlife and the environment without undus economic costs, and to promote voluntary compliance with the Nation's environmental protection laws.

Environmental Protection.....

Major Chjectives: To seek and obtain stiff criminal penalties and incarceration for persons and corporations involved in illegal dumping, and in illegal plant and wildlife trading.

To vigorously enforce legal standards and limits on pollution and wasts discharges.

To maintain the rational, ocherent operation of agency programs through the defense of agency actions and rules and regulations in court.

To successfully deferd environmental programs and regulations from narrowly restrictive or overly broad interpretation.

To defend federal agencies whose facilities are the subject of litigation, while encouraging full compliance with environmental standards

To recover monies spent by or on behalf of federal agencies for damage to natural resources within their control

To create an atmosphere combilive to negotiated settlement of disputes where such an approach can provide swifter and more cartain relief, and ease the court's litigation burden.

Base Program Description The Davironmental Protection unit is comprised of the Environmental Crimes, Environmental Defense, Environmental Enforcement, and Wildlife and Marine Resources Sections. The Environmental Crimes Section protection status such as the Clean Air Act, Clean Mater Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act, Where the standards for criminal as opposed to civil sanctions involve Willful, browing violations. This criminal initiative was undertaken first in 1981 when a Crimes Unit was established as part to the Environmental Enforcement Section. In 1987, as a result of the success of the program, a separate Environmental Crimes Section was created within the Land and Natural Resources Division.

The Environmental Enforcement Section conducts affirmative civil litigation to control and abate pollution. This program is primarily responsible for judicial enforcement of Environmental Protection Agency programs which regulate discharges into the Nation's air and water, and govern pesticials operations, solid waste stronge, and modern waste, noise pollution, and natural resource damages on behalf of many other federal agencials. Approximately 80 percent of civil enforcement actions are personally handled by Environmental Enforcement Section staff attorneys. The Section also has primary responsibility for Superfund litigation to compel site cleaning and to recover federal funds.

The Environmental Defense Section defends rule-making, regulatory and permit actions and decisions made by the Environmental laws. Over 95 percent of the Army Corps of Engineers, and the Coast Guard, and represents federal agencies such for violations of environmental laws. Over 95 percent of the Medical Section staff independent of the United States Attorneys, largely because most cases require close coordination with apercy headquarters percental. The Section's cases include petitions for avelse of agency regulations in the appailate courts, and district court cases involving permit decisions, federal facility lawsuits, and dredge and fill actions in navigable waterways.

The Wildlife and Marine Resources Section handles civil and criminal litigation to halt the growth in illegal wildlife and plant trade, and the defense of federal agency regulations concerning wildlife and plants, and federal programs such as dam construction which are challenged on wildlife damage grounds.

<u>hocomplishments and Morkload</u>: Accomplishments of the Environmental Protection program are presented in the following tables:

The Environmental Protection program had a barner year in 1988, obtaining a number of favorable decisions and settlements. The first successful hazardous waste increding-environment cases (inited States v. Protex Inhastries, Inc. and inited States v. Thain) were prosecuted. The latter is particularly not encourty and maritas separate discussion. In April of 1988, the Environmental Crimes section obtained the first conviction of an initial under the browing endangement provision of RGM. Thain's conviction resulted from his purchase, under an assumed name, of three 55-gallon drums of ethyl ether, a highly explosive hazardous substance³, commonly used in the manufacture of cocains. The chemical supplier had an egreement with the Drug Enforcement Abministration to report suspicious purchases of chemicals are in 1110cit drug manufacturing, when the transaction for which Thain had purchased the ether fell through, he abandoned the drums during the night in a lot in a residential neighborhood in Rockersy, New York. Because such hazardous substances are frequently involved in Rea cocains investigations, this procedent-setting case opens the door to a wholly-new arsenal of sanctions in the federal war adainst drugs.

Also noteworthy, the Crimes section returned the first environmental indictment to include RICO charges (United States v. Mackanid and Mateon). In addition to its litigation, the Environmental Crimes section's accomplishments include the conduct of a major conference in New Orleans for federal prosecutors and preparation of a practice manual which has become the primary reference work for criminal environmental cases. Copies of the manual have subsequently been distributed to federal and state law enforcement personnel throughout the country.

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²A temporary lull in the civil enforcement caseload chring 1987 was largely the result of the reauthorization of Superfund in October 1986.

Oat triel, the government lawyer estimated that the three drums were potentially as explosive as 660 sticks of dynamite

In the matter of <u>Cannora Erginearing</u>. Ing., the <u>Environmental Enforcement</u> section reached an \$11 million settlement with 275 de minimis parties.

In an enforcement action under the Clean Air Act seeking civil penalties and injunctive relief, (<u>United States v. Ford Motor Cannorary</u>), Ford signed a consent decree in which it agreed not only to pay a civil penalty of \$1.75 million (one of the largest senalties <u>paid to date under the Clean Air Act</u> but also to shut do not not not act of its agreation. Equally impressive, in <u>United States v. Canron</u>, the section detained the largest penalty settlement (\$1.5 million) ever action charter Act. But these amounts are deared by those involving this year's settlement with <u>Tence Eastern</u>. The major gas pipaline campany was charged with damping cancer-causing PCHs in as many as 89 pits stretching across 14 states from revision parts of the volving manual case. It should also be noted that these precedent-setting cases are exclusive of the work done by the section under provisions of the Sparkfurd Amendments and Reauthorization Act (SARA), wherein the program has obtained consent decrees and injunctive relief totalling nearly \$178 million since the enactment of SARA in October 1986.

Pinally, the Environmental Defense section had major successes on several fronts. In State of Chio v. EB, the case challenging the 1985 National Contingency Plan, the D.C. Circuit uphald the regulation requiring that private parties seaking reinbursement from the Superfund for cleanup effocts they have undertaken receive prior authorization from EPA and that the inside on the National Priority list. The victory was searched to state on the National Priority list. The victory was searched to state on the National Priority list. The victory was searched to state on the National Priority list. The victory was searched, with one minor exception, the regulations odifying the most effective ments. In Indiaed Tachnologies Corp. Act. A reversal of these regulations would have led to videspread chaos in hazardous waste management, regulation, and enforcement. The D.C. Circuit also of major scopplex regulations governing the stack heights of major scures of air pollution under the clean Art. A reversal of key regulations have would have dractically affected the Agency's ability to regulate the dispurse Out defined and an accordance ments. On another front, the Environmental Defense section won the first jury variet in a clean Natar Act section 404 civil afrocement case, India Major Environmental Defense section 404 ones into the All survey court decision in Mindel States v. Tall, which requires jury trials on liability in any section 404 ones involving civil senated an essential to send a message to the regulated community that the United States v. Tall, which requires jury trials on liability in any section 404 ones involving civil agreements in these cases.

In the Agency of the court decision in an enforcement cases is assertial to send a message to the regulated community that the United States will agreement in these cases.

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1990 Estimate	Ros. M. Amount 179 159 \$17,853
Perm	179
1990 Base	Ros. MY Amount 145 143 \$12,535
Perm	145 145
Exception Changes 1	Divironmental Protection

Decreases of 3 clerical positions, 3 workyears and \$25,000 associated with management and productivity savings, and increases of 37 positions, 19 workyears, and \$5,343,000 are requested for the Environmental Protection program including an increase of \$4 million for automated litigation entrypert. The increases would be distributed among three of the four activities in this program, i.e., Environmental Crimes, Environmental Enforcement and Environmental Defense.

The Environmental Crimms program is requesting 6 additional positions and \$943,000, to move toward establishing teams of three attorneys for each of the 10 EPA regions. This minimal level of attorney support is necessary to promote familiarity with the program, and provide a depth of coverage and support to both EPA and United States Attorney offices. Experience has proved that a single major trial or investigation can quickly

absorb the full-time attention of two attorneys; leaving a single attorney to handle general regional coverege. After careful consideration, the section has determined that such an approach is merited given a number of recent developments. Among them:

New and expected criminal searchions in the newly-reauthorized CAA, Safe Drinking Neter Act and CERCIA. Both ESA and FEL have expended their environmental crime staffing; specifically, between 1997 and 1990, the ESA expects to increase its criminal investigative staff from 44 to 65 search 1999, the number of FEL field agent workyears devoted to environmental crime is expected to double. This trend is also becausing apparent in other agencies (e.g., Customs, Labor, Defense, ESA's Imspector General) as more public attention is focused on environmental crime.

More referrals. Most of the environmental statutes have administrative, civil and criminal enforcement options. In the past, regulators have been inclined to use only the first two of these options. Increasingly, however, as the programs develop and the same violations parsist, regulators are losing patience, seeing that the milder sanctions have insdequate deterrent effect. As this cours, the regulators are more inclined to refer violations for criminal prosecution.

Additional sources of case referrals, including the Department's emphasis on civil/orisinal proceedings (which has already surfaced additional referrals), and other legislation, most notably the 1986 inclusion of bounty provisions in CENCIA which will (when implementation is final) provide financial incentives for reporting violations.

The Environmental Enforcement progres is requesting 13 positions and 82,053,000. Not only has this been a money-making activity as demonstrated by the record-branking settlements and penalties enarted in 1988, but EPA referrals are espected to balloon, given that: EPA regional legal enforcement staff (who prepare case referrals) more than doubled from 1987 to 1997 [198 to 1997] 1988 deadlines for treatment standards for public years and control strategies are due by Pebruary 1989 is 0 expects to commence enforcement of new maximus contaminant levals (including those for lead) for public water supplies in 1989; and, EPA's new absolve enforcement of new maximus contaminant result in a significant increase in referrals equirat building demolition companies. Moreover, under the Resource Conservation and Recovery Act (RCRA), EPA has began to develop the first cases which seek to compal site owners to clean-up abandoned waste sites. When coupled with the clean-significant additional resources.

quite apart from EPA-related referrals, in 1990, the Evvironmental Enforcement section also expects to focus its resources on cost-recovery for federal clean-up of oil spills into or upon navigable waters. Expedited internal Coast Guard referral mechanisms promise a six-fold increase in such Section 31 violations of the CWA. Under SRAA, our client spories (expecially interior and Commarce) will be seeking to increase litigation against private pravise parties to finance site restorations. Similarly, the section will seek contribution to the cost of the remedial action from any other party who may have been responsible for contamination at a federal fedility; 60 such cases are anticipated by the end of 1990. Each such case typically involves over 20 defendants, hundreds of depositions, and extensive automated litigation support.

The third program element seeking an increase is that of Envir amental Defense. This program element is requesting 15 positions and \$2,347,000 in 1990. The section anticipates a significant growth in defensive caseload due to: an anticipated 8-10 percent increase in EPA counterclaims;

substantial growth in RCRA defensive cases due to Congressionally-mandated issuance of RCRA parmits; and, an upsurge in administrative penalty cases due to increased ETA use of RCRA administrative penalty authority and new CRA administrative penalty powers.*

Apart from EN-generated referrals, the defensive coseload will increase in 1990 due to a new and encrocasty resource-intensive class of cases involving <u>federal facility compilans</u> with environmental regulations. In the wake of SARA, the Covarment's realisance on soverign immunity has been waived, and federal agencies are required to identify and evaluate their worst sites and provide information to ERA and the public. The government's total account for the cost of classing in these cases continuate to evaluate states states and of the private sector. In has been reported that the simple largest producer of toxic wasts in America is the U.S. military and that the Department of Defense generates more toxic wasts than the five largest American chemical companies combined. For its part, the Pentagon recently testified that the factor at the currently ranges between \$11-14 billion—and could cilias is 12,342 and that the american expecting control of the requested increase for automated and identified an additional 1,882 potential hazardous wasts sites nationaled. Nucl of the requested increase for automated litigation apport in 1990 is sought for our federal facility workload. The section's federal facilities caseload has risen steadily from 45 in 1985 to a current (and still growing) caseload of 115 as of August, 1988. Apart from clitaen sails, the growth will be compounded by counterclaise against the United States seaking contribution in CENCIA cost recovery cases. These counterclaises are meturing and beginning to require intensive trial preparation; by 1990, we espect at least seven cases to reach trial stage, requiring and beginning to require places.

Finally, the section's affirmative caseload in the area of wetlands enforcement is demending more resources as the impact of Tally, inited States is becoming apparent. Specifically, our traditionally high rate of settlement in such cases (where a typical case has required roughly 11 hours of attorney and 2 hours of paralegal time) is jeopardized by Tall-impaired just trials. A recent case in point revealed that in one instance, a jury trial a required 2,325 attorney and 560 paralegal hours versus a very similar case tried before the court which required only 86 attorney and 86 paralegal hours -gazzaction that in the interest in the court which required only 86 attorney and 86 paralegal hours -gazzaction into interest in the interest of the polytical devotable precedents and deter future trials

⁴It should be noted that devoting resources to litigating schildstrative penalty cases is generally very cost-effective. An examination of recent RSAA administrative penalty cases indicates that the everyse amount in question is approximately \$25,000 but that it ordinarily costs much less than this to litigate the case. For example, in one small RSAA case handled by the section (Cheminate), the government exposes \$11 yes and \$1,000 oivil penalty and also was everted almost \$10,000 in interest by the court. The total cost in attorney time expended was estimated to be less than \$2,000.

Sproviling, "Poison and the Pentagon", FBB broadcast on April 5, 1988.

⁶Inside EPA's Superfurd Report, Vol. II, No. 6, March 16, 1988.

^{&#}x27;BIFFRIAND: Civilian Paderal Agencies Slow to Clean Up Hazarkous Maste, GNO/RCED-87-153, July, 1987.

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Long Ranga Goal: To defend and promote the public interest in federal land, water, mineral and Indian programs

General Littigation.....

mar.

<u>Major Chiscilyms:</u> To successfully defend challenged federal programs and policies affecting the management and protection of public lands and natural resources.

to defend the Treasury against mometary claims arising from federal Indian and natural resources programs

To represent effectively the interests of Indians where the United States is trustes, especially in water rights matters.

To provide legislative, public and Congressional liaison services for the Land and Natural Recourse Division's programs.

Rate Droute Description: This program includes the General Iditioation, Indian Resources and Rolloy, Legislation and Special Iditioation Sections which are responsible for natural resources litigation, protection of Indian rights, and various legislative, policy and ilaieon activities respectively. Of these, the General Iditioation section is the largest, and it's cases span over 70 statutory areas administered by several dozen client equalities. Traditional General Iditioation cases involve invarse condementation government and an alleged to have taken private property: Indian claims for monetary relief from government inaction or alemanagement, defense of federal programs challenged for faulty environmental impact analyses; and, whereal leasing and mining cases on land and in the Outer Continental Shelf.

The United States has established trust relationships with various Indians and Indian tribes through a myried of treaties, statutes and Executive orders. Under these authorities, the government is obliged to parform a number of functions on behalf of these tribes, including litigation to defend their rights. The Indian Resources Section of the decision unit handles these cases, the most important involving water rights. Many Indian reservations like in the axid portions of the country where competition for water is flarce, and tribe rights to water must be established before reservation lands can be developed. Over 50 million acres of reservation lands, and the rights to major water systems in dry wastern states are at take. Other cases in which the government represents the includes involve the establishment and protection of hunting and fishing rights, and suits to answer questions about tribal rights to self-determination.

Finally, responsibility to review and comment on legislative proposals for the Division's programs rests in the Policy, Legislation and Special Littigation Section (FAEL) of this program. Many environmental statutes are the subject of new legislative proposals, which benefit from analysis by the Division. After a bill is passed by Corgress, the Section's responsibility involves analysis of new leasues related to the implementation of the law, particularly in the first three years when few court decisions exist to give guidance on ambiguities that result from charges in laws. Complete screening of new legislation insures that the Division has detailed information on hand concerning the legislative history for use in littigation which acrosses a law. Coordination between the various federal, state and local government against and the conservation and development of natural resources is also within the purview of the decision unit, as is the initial development of Division policies in these areas.

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Cases/Matters pending, beginning of year. Cases/Matters received. Cases/Matters closed. Cases/Matters closed. Cases/Matters pending, end of year.	The table above presents data concerning the performance of the General Litigation program in 1988 as compared to 1987. As is eviden data provided, the program does not anticipate a significant increase in the numbers of cases or matters received and closed so much case complexity. Specifically, in our general Litigation section, such complexity indicators as transcript costs (transable to trial
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largety written statistics as do the number of motions being filed. Indeed, when the number of motions are combined with the number of other largety written statistics required for trial, the total is expected to double that of 1987. (See also discussion under Program Changes) In order to minimize the effect of these increasingly complex cases, the section has increased its reliance upon case management plans it now has propared 125 such plans as compared to 80 in April 1987. And in March of 1988, the section sponsored full staff conferences with one of its principal client agency units to further nurbure early coordination. as a shift in The table data provi case compl

The <u>General iditication</u> section's accompliaments spen some 70 federal statutes whose litigative responsibilities are administant by the section. For instance, in Reacemones v. Strategic Defense Initiative, the section successfully opposed a preliminary injunction sought against proposed SDI septembertation in Hewell. The district court reasoned that the evidence presented "strongly suggestied; that if suything, the proposed experiment when the evidence presented "strongly suggestied; that if suything, the proposed experiment when if the experiment when the evidence of all 1." In Constitution by reason of an alleged regulatory taking — an area heavily affected by recent Supress Court decisions — resulting from Organ of Buylinears excitotical surface when the class when section successfully defended environmental challenges to a pseudo-rabies vaccine, the first USDA approved animal vaccine produced through genetic engineering. In Manyones to a recently enacted statute which resolves longstanding title disputes to over 110,000 acres of land in Minnesota. And, in Housland of the Court of States, the scope of the governmental trust between the United States and Mative American interests was enforceable rights to money damages against the United States.

Among the major cases hardled by this program over the past year is that involving the <u>indian Resources</u> section and the Big Horn River System in Wycming. This marked the first Indian reserved water rights case to be litigated completely in a state court system in the history of the United States, and the Wycming Sparems Court decision in favor of our victory preserved a value of \$71 million in federal assets.

The program's PISL section's accomplishments include the issuance of the Parallel Proceeding Guidelines for the concurrent pursuit of civil and criminal environmental cases in the Division, and participation in the international Treaty on Ozone Layer-Depleting Chlorofluorocarbons, designed to reduce consumption by 50 percent within the next ten years. The PISL section was also involved in San Carlos Irrigation and Drainage District X. United States where the district court granted our motion for summary judgment. Plaintiffs had alleged that the Bureau of Indian Affairs

failure to proparly maintain the dam and power plant resulted in losses of water and power to landowners worth more than \$40 million. The primary value of this decision, other than the successful defense against an expensive claim, appears to be its holding that the Secretary of the Interior has broad discretion in operating federal reclamation projects. The Section's docket continues to cover a broad array of complex land use and environmental issues for the United States.

Program Changes:	1990 Base	1990 Estimate	Increase/Decrease
•	Pos. MY Amount	Pos. MY Amount Ros. MY Amount	Ros. M. Amount
General Litigation	. 110 111 \$9,545	112 111 \$10,741	2 \$1,196

Ale to

Decreases of 4 clerical positions, 4 workyears and \$42,000, associated with management and productivity savings, and increases of 6 positions, 4 workyears and \$1,238,000 are requested for 1990 for the General Litigation program. These positions together with funding for automated litigation support will enable the component sections to accomplish their objectives in the face of increased case complexity and trial demands.

The General Litigation section is requesting an increase of 4 positions (which is offset by the required decrease of 4 positions for A-76) and \$1,036,000 (including \$750,000 for automated litigation support) to handle the workload associated with judicial review under the National Porest Management Act where affected timber revenue exceeds \$1 billion; the Navy's homeporting initiative (which requires an unanticipated daily involvemental proceedings); and an expected 1990 timpling of caselood (10 to date) involving recombinant DNA and related biotechnology litigation. Additionally, but recent developments promise to dramatically affect the General Litigation section's workload. The first such development involves "takings" litigation as a result of seminal 1997 Supreme Court rulings (i.e., Keystone Bitminus Chal Assoc V. De Benedictus, First Examelical Litheran Church of Glerials v. County of Los Angeles, and Mollan V. California Charles, and the corps of preceders will affect land use regulations involving such citerious workload is the first complete overheal and computerization of the Minerals Management Service (Interior Department) and its royalty payment and product valuation system, due to take effect in 1989. In all, 685 royalty administrative cases are pending, involving billions of dollars. Litigation workload can be anticipated within 6-24 months upon completion of the

Finally, the General Litigation section anticipates an increased trial docket as the previously anticipated caseload comes to fruition. For example, in the latter half of 1988, six major cases are scheduled for trial with combined claims totalling \$521 million and involving the testimony of 40 or more experts.

In the Indian Resources section, the trend toward more trials is behind a requested increase of 2 positions and \$160,000. Ourrently, the section has assigned one attorney to each of the seven western states having general stream adjudications; this spartan coverage, however, is insufficient as settlement efforts (requiring state legislative approval) are beginning to falter and trials are being scheduled. The recently-concluded Big thor When Water Kights Adjudication is illustrative of this section's case complexity. The Wyoming Supreme Court reached its decision in Pebruary of 1988 but the litigation against and involved a reserved water right of 500,717 acre-feet per annum. The special master had earlier signed his 451-page report, after four years of conferences and hearings, involving more than 100 attornays. Finally, a new general stream adjudication in Oregon has recently been added to this section's caseload.

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Perm	33
	ment & Administration

Long <u>Nange Coal</u>: To efficiently and effectively manage the Land and Natural Resources Division, and to provide the administrative services and support necessary to carry forward the Division's programs.

Major Objectives:

To develop program initiatives to permit effective responses to Administration policy requirements

To provide policy direction to the Division's program managers.

To ensure that all statutory obligations are met.

To increase productivity and effectiveness through management planning and office automation technology

To recruit and provide training for highly competent and motivated staff.

To develop and maintain systems for improved fiscal planning and accountability.

To provide adequate administrative services, including space and facilities, mail and messempers, capying and supplies

To update and improve automated management information systems.

Base Program Description: The Management and Administration decision unit includes the Office of the Assistant Attorney General and the Executive Office for Administration. Thus, this program provides overall direction and management of the land and Natural Resources Division, and separations and administers operations necessary to support the Division's litigative mission. Responsibilities of the unit includes budget preparation and escource in Management, development, operation and maintenance of management and automated automated support systems; workload and resource requirements analyses; recruitment; processing of personnel actions; management of space and facilities; provision of office equipment and explies; provessing mail; and the provision of messenger, copying and printing services.

Accomplishments and Workload:
In 1987, the Lands Division chartered a Committee on Case Management and Timekeeping to: (1) establish a uniform approach across the Division to tracking cases and matters; (2) developing, national for the new Department systems and to client aperies and (3) reduce the amount of morey now being spent in developing, maintaining, upgrading and communicating with different systems that contain similar data by consolidating case management, timekeeping, and debt collection functions in a single integrated system. The Committee was comprised of representatives from all sections who met weekly to discuss issues such as how to identify and count cases and matters; productivity measurement in terms of case weighing versus actual time spent on cases; the terminology and rationals behind shared, related, fragmented and consolidated cases;

data elements; and values for a new system. From this effort, a new system structure is being defined and readied for analysis and implementation. Beginning in 1990 and extending through 1991, the Division will complete the design and implementation of a new case and time management system.

The idigation Support Unit provided the staff with pleading indices, transcripts, histories and status of exhibits reports, production validation, factual research, correspondence tracking and responses, and on-site computer based trial support. This required the utilization of computer services to manage cases with a transmicus volume (several million pages) of documents. Computes apport has made it possible to effectively store, anniquates, rearrange, analyze and retrieve relevant information at a demonstrably lower cost, and in a timely manner for use in depositions, other pretrial preparation and trial support. The United States v. Shell Oil case alone accumulated a computerized inventory of discovery documents approaching half a million separate documents, which are centrally located in a document center. This centralization of deposition and deposition and document contex. This centralization of deposition and deposition and document resources enhanced the capabilities of the staff to perform a variety of tasks more effectively and ordeributed to the favorable settlement of a major portion of this case. The unit has provided temporary remote pretrial and trial support services and trial centers in Derver, concord, Boston, San Francisco, and Bujewood, Maryland.

The Persornel and Training Group has continued work related to two precedent-setting programs: a Working Sabbatical Program, designed for senior staff attorneys with a minimum of seven years of Division service and an excellent record of achievement, provides paid sabbaticals for up to one year enabling attorneys to either teach at law schools. Itigate cases in the United States Attorneys' Offices, or work in related positions at the state level. The second program, entitled schools program, invites professors of environmental law to work in the Division's Appellate Section, while on paid sabbatical from their universities. The participants write opinions and perform extensive research while sharing their invaluable experience and unique perspective with the Division.

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990 Estimate	Ros. WX Anount 38 30 4,048
1990 Est Perm	38.
88	Est. W. Amount 33 28 3,118
990 Ba	発展
Perm	R 6.
Program Changes!	Management & Administration

Along with a decrease of one clerical position associated with management and productivity savings, this program is requesting an additional 6 positions for the Executive Office, which provides administrative support to the Lands Division. Despite increased demands caused by expansion of Ilitigation programs during the past six years, the Executive Office has not kept pace, and even reduced its workpear level to foster privatization. By 1990, the administrative staff-to-lighting staff ratio in the Lands Division will reach an all time high of 1:22. With the requested increase, that ratio will become 1:17, equal to the level in 1979. New staff will be assigned to the following Executive Office components:

Personnel and Training Group: One additional position will allow the staff to concentrate on clerical recruiting, especially at area job falts; to devote more time to establishing and promoting Division training programs; and to better utilize the Department's Human Resources Management Information System (HRMIS).

Financial Management Group: One position is needed to focus on fiscal management issues, including training seminars for the legal staff on travel regulations and expert witness procedures. With the anticipated growth in Division staff and constant turnover, the need for continuing education about fiscal policies and procedures is clear.

E - 18

Administrative Services Group: Another position is needed for a Division procurement executive, responsible for revamping the Division's procurement policies, training the staff in procurement regulations, and ensuring full compilance with the Pederal Acquisition Regulations.

957 .

¥ Litigation Support Group: Two additional positions are needed to handle the burgeoning growth in Litigation Support in the Division, present, Litigation Support case managers handle 7 major cases on average — by 1990, that number could double, pushing this contract administration program into high vulnerability, unless new staff are available,

This program increase includes \$800,000 for installation of a new case management system. The current patchwork "system" will be 11 years old in 1990 and consists of four separate systems, each of which was added piecemeal and designed to meet a specific need, e.g., attorney timeweaping and debt tracking. Each of the four existing independent information systems runs on different hardware and incompatible software, necessitating different existing to the four existing independent information systems runs of information need to be combined and analyzed. Further, many simple reports require the skills of contract professional programmers. Operation and maintenance costs for the four systems are between \$750,000 and \$1,000,000 armually. The new systems will integrate all of the existing functions and similar code operating costs using today's cheaper and faster software products, mesh with the Department's case management systems, and obviate the need for specially-trained staff.

Land and Natural Resources Division Salaries and Expenses, General Legal Activities

Financial Analysis - Program Changes (Dollars in thousands)

	Environmental	ental	General	Tez-	Management 6	ent 6	Reductions	Suo	Total	16.
	Protection	tion	Litigation	tion	Administr	ration	for A-76	.76 i		
Item	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Anount
CS/GH-15	7	\$229				-		_	•	\$229
CS/GF-14	s	243		_		_		_	80	243
CS/GH-13	•	164	-	241		_		-	60	202
GS-12	9	207		_		_		-	ø	207
G-11	e	87	-	52	-	\$29		-	10	145
G-80	~	95		_	-	77			s	119
CS-7	~	39			-	19		-	e	88
9-89		_		_	-	18		_	-	18
&-5	ທ	79		_				-	ເດ	79
CS-4	-	14		_	-	7	7	-\$56	?	-58
g-3	2	38	+	20	4	=	9	-100	٩	4
Total positions and annual rate	37	1,195	ø	120	ø	117	77-	-156	37	1,276
Lapse (-)	61	-597	7	Ŧ	7	Ģ	:	:	-72	-70
order personner compansacion		1		1		1		1		
Total, workyears and personnel	;		•		,		9		:	
Personnel Benefits	97	96	7	2 2	7		7	- 52	7	28
Travel and transportation of		_		_		_		_		_
paraona		421		88		- -				212
Rent, Communications & Utilities	-	8 8		3 2		7 0				3 4
Other services		4,102		1,020		98		8		6,062
Supplies and materials		=		~		-				7
Equipment		727		9		7				24
Total, program workyears and obligation										
charges required, 1990		5,343		1,238		930		-101-		7,410

E - 20

Salaries and Expenses, General Legal Activities Land and Natural Resources Division

Priority Rankings

Program C	Program	Environmental Protection Management & Administrati General Litigation Land Acquisition Federal Agrellate Activit
	Ranking	ଲ୍ଗ୍ଟେକ୍ଟ
Base Program	Progress	Environmental Protection Federal Appallate Activity General Liftigation Land Acquisition Management & Administration

Ranking

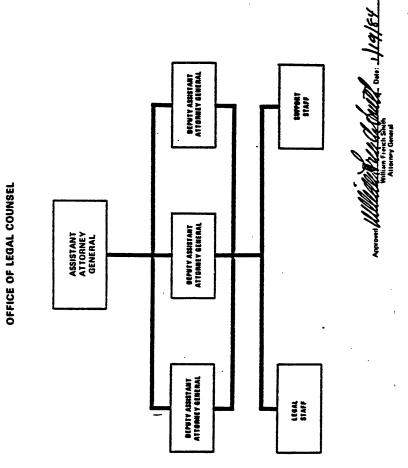
Land and Natural Resources Division Salaries and Expenses. General Legal Activities Detail of Permanent Positions by Category

Fiscal Years 1988 - 1990

			1990	9
	1988 Authorized	1989 Authorized	Program	- Ardeni
Attornsys (905) Paralegal Specialist (950) Other legal and kindred (900-998) Gen. Afauln., clerical and office services (300-399) Accounting and Budget (500-599) Business and Industry Group (1100-1199)	189 25 9 120 3	189 25 3 3	. 10: 88	207 33 34 3 4
Total	349	349	37	386
Washington U.S. Plaid	335 14	335 14	37	372
Total	349	349	. 37	386

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Office of Legal Counsel Selexies and Expenses, General Legal Activities Summery of requirements

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		(Dollars in Thousands)		i	•	
Adjustments to Base:	,			Port.	Work-	Amount
1989 as enacted	•		• • • • • • • • • • • • • • • • • • • •	35	60	\$2,590
fransfer from the General Administration appropriation for Financial Operations Services	stration appropria	tion for Financial Operations Sc	ervices	:	:	•
1990 Mandatory Increases:						
1989 Pull-year pay increase	impact on 1990	1989 Pull-year pay increase impact on 1990	• • • • • • • • • • • • • • • • • • • •	:	:	Ş
Health Denetite	• • • • • • • • • • • • • • • • • • • •	1001000 000000000000000000000000000000		:	:	12
Tederal telecommunications	system	Federal Cardomanacations system		:	:	•
GDO Driveles Soute		COLORS AND AND AND AND AND AND AND AND AND AND		:	:	19
as forced and add control		CONTRACTOR AND AND AND AND AND AND AND AND AND AND		:	:	~
total metalic estates				:	:	~
		NEW TRANSPORT AND THE PROPERTY CONTRACTOR OF THE		:	:	•
		SECTION OF SECTION OF	•••••••••	:	:	₹ (
Office automation maintanance		office automotion maintenance		:	:	n ;
		***************************************		:	•	70
Total mandatory increases		Total mandatory increases		:	:	120
1990 Base		• • • • • • • • • • • • • • • • • • • •		38	60	\$2.718
	1988	1989 Americation			Tagas (

	Perm. Post. WX Amount	110
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Increase/ Degresse	Por.	•
1	Perm. Pos. IX Amount	12°, 82¢
4	~ ¥	7
1990 Ketimete	200 100 100 100 100 100 100 100 100 100	\$ 57g
1	Ħ	2
1990 Base		# 2,1
B	ğ	2
1990	Perm. Pos. MX Amount	2 242
1989 Appropriation Enacted	Perm. For. MY Amount	\$2,590
prop	翼	2
989 Ap	Por.	2 7 42
	Pern. Pos. W Amount	\$2,629
4	¥	=
1986 Actual	200	2 2 4 %
	Pers. Pos. W Asount	\$2,577
8	Ħ	2
1988 Enacted	Pera	80
	mates by	equal Opinions35 39 \$2,577 35 38 \$2,629 35 39 \$2,590 35 39 \$2,718 39 42 \$2,829 4 3 \$110 00 00 00 00 00 00 00 00 00 00 00 00

Office of Legal Counsel

Salaries and Expenses: General Legal Activities Justification for Program Performance Activity Resource Summary

<u>Long Range Goal</u>: To assist the Attorney General in his role as legal adviser to the Executive Branch, and to provide timely, thorough and realable legal analysis in response to requests for opinions from the President, the White House staff (through the Counsel to the President) the Attorney General, Justice Department components, and the heads of executive agencies.

<u>Major Objectives</u>: To enhance the Office's ability to assist the Attorney General in, his function of providing general legal advice to the President and Executive Branch agencies; to improve the Office's usefulness in resolving intra-Executive Branch disputes and legal questions; to enable the Office better to assist other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or issues of general concern to the Executive Branch; to expedite performance of its function of approving Executive Orders and Orders of the Attorney General as to form and legality; and to continue the practice, begun in 1977, of making pubblicly available in published form those Office of Legal Counsel Opinions that are of general interest to the public.

Attorney General in his function as legal advisor to the President and Executive Branch agencies arthurney General in his function as legal advisor to the President and Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. The Office also provides general legal assistance to other components of the Department, aspecially where litigation or proposed legislation raises constitutional issues or general issues of executive authority. It reviews the form and legality of all executive orders and proclamations proposed by the President, as well as all proposed orders of the Attorney General and all regulations requiring his approval. In addition, the staff is also involved in coordinating the work of the Department regarding treaties, executive agreements and international organizations, and performs a variety of special assignments referred to the Office has responsibility for advising the Office of Government Ethics on matters of law in the area of conflict of internets, and the Assistant Attorney General serves as ethics counselor to the Office of Interney General, the Deputy Attorney General, the Associate Attorney General, the Solicitor General and the Associate Attorney General, the Solicitor General and the Associate Attorney General,

The statutory authority pertaining to the Office of Legal Counsel is 28 U.S.C. 511-512. There are no pending or proposed legislative changes which would affect this Office.

The Office of Legal Counsel does not initiate any programs nor does it have control over the volume of its work, which results from requests for opinions and legal advice from the President, the White thouse staff, the Attorney General, members of the Cabinet and Executive Branch agencies and other Department of Justice officials.

A small number of requests are considered appropriate for formal Attorney General opinions, which are drafted preliminarily in OLC and reviewed, revised and approved by the Attorney General. Whost requests result in the preparation of legal opinions signed by the Assistant Attorney General or one of the Deputies based upon the research of one or more of the 20 authorized staff attorneys. Other requests result in the provision of oral advice to the client.

Since 1977, at the direction of the Attorney General, this Office has published selected formal opinions. Volumes covering the years 1977 through 1982 have been issued. Work is currently being done on the volumes for 1981-87.

ACCOMPLISHMENTS and Workload: Accomplishments of the Office of Legal Counsel are presented in the following tables:

1990	50 590 750 3,650	in a number of for dispute resolution r its opinions.	of legal and cation of powers by to the powers and plainions relating to
1282	50 560 700 3,200	No. 12146 y request (gencies for	ide range of and separations in an arrow in a marrow in a marrow in a portant of
1988	535 535 625 2,900	tive Order ds to ever xecutive a	ice on a we authority melating mendered in
1987	50 530 620 2,900	nder Execu ice respon ect from E	legal adv f executiv questions
ITEM	Executive Orders and Proclamations Opinions! Intradepartmental Opinions? Special Assignments?	During 1986-87, OLC provided legal opinions under Executive Order No. 12146 in a number of disputes between Executive agencies. The Office responds to every request for dispute resolution it receives, and enjoys a high degree of respect from Executive agencies for its opinions.	During the past year, the Office has provided legal advice on a wide range of legal and constitutional issues, including the issues of executive authority and separation of powers raised by the Morrison v. Olson decision and questions relating more narrowly to the powers and duties of particular departments and agencies. It has rendered important opinions relating to

¹ The "Opinions" category is an estimate of advice given to the White, House, OMB and other executive Departments and agencies. It includes both formal and informal advice as Well as responses to request for information.

2 The "Intradepartmental Opinions" category is an estimate of informal advice given to t Office of the Attorney General as well as other Departmental units, formal opinions and bill comments.

³ The "Special Assignments" category is an estimate of a number of different matters including informal advice, responses to oral requests for information and referral, citizen inquiries, as well as review of Freedom of Information Act and Privacy Act requests.

immigration, national security, the Establishment Clause, the fairness doctrine, andithe extension of the territorial sea.

The same

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting legislative opinions, testimony, Presidential signing statements and veto messages. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration, and has assisted in the drafting of legislation. It has also provided advice to the litigating divisions and the Solicitor General on constitutional issues relating to presidential authority and separation of

In addition, because of its expertise in certain areas, the Office has assumed an important ongoing addisory role on matters pertaining to foreign affairs and national security, the Sentencing Commission, the debt ceiling and budget reform, executive privilege, federalism, conflict of interest and ethics, and verious independent counsel matters.

The Office has reviewed numerous Executive Orders for form and legality and given advice to the President concerning appropriate revisions. OLC has also reviewed all orders of the Attorney General during this period, most of them on very limited time schedules. In addition, in various energency situations the Office has been called on to advise the White House or the Attorney General.

Finally, Volume 4A, 4B, and 5 of the opinions of the Office of Legal Counsel for 1980 and 1981 were published in January 1986. Volume 6 was published in June 1988. The volumes include formal opinions of the Attorney General signed during this period. Mork is well underway on volumes for 1983-87. We are attempting to put in place a structure that will improve our speed and production of these volumes within the limited resources which the office can devote to this project.

Program Increases:	1990 Base	986	,	1990	990 Estimate	nate	Incre	7680	reass/Decreass
Office of Legal Counsel	Perm. Pos.	겇	Perm. Post HY Amount	Perm. Pos. MX	젍	Amount	Perm. Post.	MX	Perm. Pos. WX Amount
	39	42	19 42 \$2,718	99	42	39 42 \$2,828	39	45	39 42 \$110

Program changes: An increase of 4 positions, 3 workyears and \$110,000 approved by ONB, 4 will allow the Office to handle the steady workload increases. Also, the Office will be able to continue publication of its most noteworthly opinions.

⁴ The Office received one additional position from the Deputy Attorney General in recognition of its increased ethics responsibility. This has been confirmed by memorandum to Douglas W. Kmiec, Assistant Attorney General, Office of Legal Counsel from Harry H. Flickinger, Assistant Attorney General for Administration, Justice Management Division, November 18, 1988.

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Office of Legal Counsel

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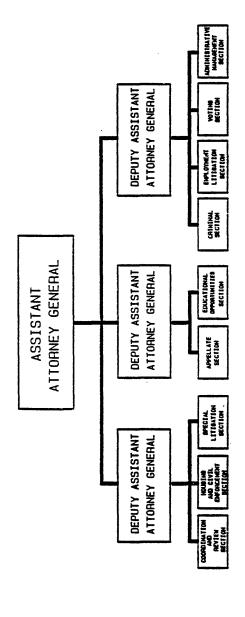
Salaries and Expenses, General Legal Activities

Detail of Permanent Positions by Category

Fiscal Years 1988 - 1990

Category	1988 Authorized	1989 Authorized	1990 Increase	Request
Attorneys (905)	0000	9 9 9	e4 :	2. 4. 4. 6.
clerical & office svc. (300-399)	v	v	:	v
Total	35	35	4	39
Washington	. 38	38	+	39
Total	35	35	4	39





Civil Rights Division
Salaries and expenses, General Lexal Activities
Crosswalk of 1999 Changes
(Dollars in thousands)

				Congressional Appropriation	ssion	를 등 등 등 등 등 등 등 등 등 등 등 등 등 등 등 등 등 등 등	4				Ž	1989 Dromass Serol	6	Arm	1989 Vromoria	ti S
	1989 President's Bydoet Reguest	89 President's Budget Reguest	ent's ouest	Actions on 1989 Request	8 ti	1989	Majustuments un Morkvears	Bea	COLLEGE	minos		9	8	P	riticipa	ted
Activity/Program	188	至	Amount	3	Ħ	Amount	Ä	100	至	Amount	202	Ħ	Amount	2	Ħ	Amount
7. Civil rights matters:																
A. Federal appellate											•			;	;	-
	32	32	\$2,043	:	:	-\$ 2	T	:	:	:	:	:	:	2	2	\$2,038
s prosecution.	5	7	2,882	:	:	-10	ę	:	:	:	:	:	:	2	;	2,872
:	35	36	2,591	:	:	የ	7	:	:	:	:	:	:	5	22	2,582
	7	7	3,900	۴	7	-197	ę,	:	:	:	:	:	:	3	8	3,703
litication	S	3	3,953	:	:	7	ጭ	:	:	:	:	:	:	3	8	4
f. Coordination and review.	39	4	2,535	:	:	7	ų	:	:	:	:	:	:	8	37	7, 528
civii														;	1	
	36	36	2,260	?	?	-125	ፕ	:	:	:	:	:	:	2	5	2,130
opportunities	31	1	2,012	:	:	ዋ	7	:	:	:	:	:	:	3	8	2,08
1. Management and	:	:				•	٩		:	;	25	13	\$2,100	79	17	5,951
••••••	4		2007	ł	ŀ		30				3,	۶	82,100	428	394	27.756
Total	Ş	5	26,041	T	ព	-382	A	:	:	:	2	;				

Adjustments in Permanent Resitions and Workvears. The absorption of pay increases and other costs will not allow support for all of the positions and workyears that Congress may have expected. This column displays the adjustments necessary to support the President's Budget. Congressional Appropriation Actions. Reductions reflect Congressional action of October 1, 1988 on appropriation request; \$305,000 for program enhancements and the remaining \$80,000 was absorbed at the base funding level.

Surplementals Requested. The supplemental request for \$2,100,000 and 25 positions provides resources to meet administrative responsibilities under the Civil Liberties Act of 1988.

Adjustments to base:												Perm.	Work- Years	Amount
Department of Justice Appropriation Act, 1989. Adjustments to permanent positions and workyears. 1989 Program supplemental requested. 1989 Appropriation anticipated. PCS Transfer from General Administration for financial operations services.	on Act, 1 ions and isted	989	cial ope	ration	s service							6 :22 :	5 th 4 to 5	\$25,656 2,100 27,756 135
Manualization of 25 positions approved in 1989 Amualization of 25 positions approved in 1989 1989 Full-Year pay increases Within-grade increases Within-grade increases GRA Health Benefits GRA recurring reinburseble services Rederal Telecommunications System (FTS) Telephone service	impact of impact	n 1990											3 : : : : : : :	484 421,1 421 421 421 421 421 421 431 431 431 431 431 431 431 431 431 43
	tament Coets for	r wides										#	:::::	30 11,208 31,208
Estimates by budget activity 7. Civil rights metters EDY employment: Full-time	1988. Actual Perm. Pos. IX 400 401 369 413	total MX Amount 401 \$25,835	1989 A Perm. 125 425 407	Anticipated Anticipated Perm. BSs. WX Ancum 425 394 \$27,75 381 26 407	ated	Perm. Perm. 425 425 425 425 419	1990 Base W A 406 \$33	Amount \$31,208	1920 Perm. Ros. 465 399 425	1990 Estimate rm. W. Amos 65 427 \$32,3 99	Mate	Increa Perm. Pos. 40	Increase/Decrease Perm. My Amou 40 21 \$973	Amount \$972

	1000	2	1080 se Bracked	fertha agot	2		1989 Appropriati	Appropriate to the second	1989 Appropriation	Ť	1000	9	500	1000 Pot (mate	4	Turns	Z. 99	Transact (Demoste
	1			Pod	2	1	ğ		-	8			E S			P		
Patientes by Donnas		3	Amount	å	3	Amount	ğ	3	American	8	3	American	2	3	Amount	ğ	3	Amount
		1		3	1			1		3	1			1	AT INCHES		1	Chincolin
7. Civil rights matters:																		
Pederal appellate																		
activity	33	3	\$2,082	32	3	\$2,043	32	53	\$2,038	32	53	\$2,276	35	53	\$2,276	:	:	:
Civil rights prosecution		4	2,950	45	43	2,896	45	7	2,872	45	7	3,217	\$	7	3,217	:	:	:
Special litigation	32	ಕ	2,653	32	4	2,68	32	35	2,582	32	32	2,856	35	32	2,856	:	:	:
Voting		8	3,798	8	2	3,728	3	8	3,703	8	8	4,161	8	૪	4,161	:	:	:
Employment litigation		62	4,040	S	62	3,965	S	23	3,941	63	20	4,395	63	20	4,395	:	:	:
Coordination and review		8	2,590	33	33	2,542	39	33	2,528	38	33	2,811	3	33	2,811	:	:	:
Housing and civil																		
enforcement	ຮ	E	2,189	33	35	2,149	33	31	2,135	33	31	2,371	33	3	2,371	:	:	:
Educational opportunities		ಜ	2,058	3	8	2,020	5	87	5,00¢	33	58	2,229	3	78	2,229	:	:	:
Management and																		
administration	×	3	1981	2	62	3,888	28	Ŕ	5.951	22	8	6.892	a	ă	7.864	9	ন	972
Total	8	\$	26,321	\$	401	25,835	425	394	27,756	425	90	31,208	465	427	32,180	\$	7	\$972
Reindursable Workyears	•	٩	-	•	9			9			9			9			3	
Total Workyears		410			407			90			412			433			77	
Other Workyears:																		
Holiday	•	:			:			:			:			:			:	
Total compensable	ı	٦		•	٦						٦			7			1	
workyears		413			410		,	403			415			436			77	

Civil Rights Division
Salaries and expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

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	1989 A	1989 Appropriation Anticipated	iation	٦	990 Base		81	o Patim	1990 Estimate Increase/Decre	Incre	ase/Dec	100.00
	Perm.	Ħ	Perm. Perm. Perm. Perm. Post. W. Amount Post.	Perm.	¥	Amount	Fern.	Ħ	Amount	B8 :	Ħ	Amount
Pederal appellate activity	32	82	\$2,038	32	53	\$2,276	33	82	\$2,276	:	:	:

Long-Parge Coal: To reduce the incidence of unlawful denials of civil and constitutional rights.

Major Objectives:

To file on a selective basis, appellate level cases initiated by the government and serve as a friend of the court in appellate cases which have a substantial impact on federal civil rights enforcement.

To handle all appropriate appellate level litigation in the civil rights area rather than to have such cases handled by the enforcement To provide legal coursel to government departments and agencies on civil rights issues, and legal coursel and research assistance, with respect to pending litigation, to other Division and Department programs. To provide substantive support for the Division's legislative initiatives and to comment on the legislative proposals of others. programs.

supervises the harding of all appeals from both favorable and adverse judgments in which the government participated. Supreme Court cases requires occurated that the supervises of the Solicitor General. A favorable district court decision is meaningless if it is reversed on require accordination with the office of the Solicitor General. A favorable district court decision is meaningless if it is reversed on appeal. Thus, the success of the Division's front-line litigating programs depends on this program's effectiveness on appeal. In support of an effective civil rights enforcement program, personnel develop (as requested) new legislation or modifications or amendments to existing legislation in the inferest of protecting the civil rights of all citizens; comment on the civil rights legislating processed to federal agencies responsible for the administration and development of programs with civil rights implications which invariably present difficult legal and policy questions. The advice the staff gives is designed to ensure the legality of such programs, promote uniform policy application, and lessen the possibility of expensive and disruptive litigation in the future.

Accomplishments and Workload: Accomplishments of the Federal Appellate Activity Program are presented in the following table:

			Stot ima	-
Item	1987	1988	1989	1930
Cases/Matters Received	144	927	158	158
Briefs Filed.	. 6	29	83	85
Solicitor General Recommendations	న	၉	ੜੱ	ř
Decision Not to Participate or Appeal	61	61	52	52
Legal Coursel and Research Assistance Provided	3	27		\$
Legislative Comment and Testimony.	7	2	91	91
Cases/Matters Handled	122	156	163	163

Workload projections for future years in all categories are based on considerations of the staff's production in previous years, and the level and complexity of activity in the other litigating programs. It should be noted, however, that the work of this program is closely correlated to the number of cases brought by the other litigating programs. In addition, Supreme Court activity is dependent upon the types of cases which the Court decides to hear.

In 1988, the Division filed 23 papers in the Supreme Court and 44 in the courts of appeals. Eighty-two percent of the decisions reaching the marits in aix cases; three of these patislas were in full or partial accord with the Division's contentions. The Supreme Court reached the marits in six cases; three of these patislas were consistent with the government's contentions. The courts of appeals rendered 32 merits decisions, 28 of which were in full or failed to interven for purposes of appeal, could not appeal from entry of a consent decree settling the case. An equally divided Supreme Court also affirmed a ruling dismissible, could not appeal from entry of a consent decree settling the consent decree. Our a crisinal case, the Sixth Circuit uphald the convictions of seweral defendants who compared to hold maince dulibrary the consent decree settling the entry. The court indicates of seweral defendants who compared to hold maince dulibrary the consent decree settling that resulting the fourties of seweral defendants who compared to hold maince dulibrary the charges, the State that decrees to the charges. In a housing case, the Second circuit agreed with the Division's position that a defendant's who compared to the charges. In a housing second circuit agreed with the Division's position of its housing and the circuit also uphald a district outrity indigent caurt judgment finding the position advanced by the United States, the Fifth Circuit had a decision to exact prevailing plaintiffs attorney General to enter an objection to exact prevailing plaintiffs attorney denaral to enter an objection to section 8 statemation, even where that objection is adulticated the state and enjoining the use of any eligibility list based on the results of the invalid test.

	₽.	Anticipated	78	1	an.		1990	Estin	ate	Incre	ped/eec	388
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prosecution	5	7	11 \$2,872 45	4 5	#	\$3,217	5	#	\$3,217	:	:	:

civil righte

Long-Range Goal: To significantly reduce police criminal misconduct as well as criminal misconduct of other public officials who violate the federal criminal civil rights statutes; eliminate or substantially reduce activity by private citizens which interferes with federally protected civil rights or the basis of race, religion, national origin or sex, particularly interference by organized, violent hate groups such as the NX Kiux Kian and Aryan Nations; and, eliminate or significantly reduce pecuage and involuntary servitude violations, particularly those affecting migrant workers.

Halor Objectives:

To expeditionaly respond to and cause to be investigated all valid complaints of potential criminal civil rights violations.

To present potentially maritorious incidents to grand juries for investigation and, where warranted, for indictment.

To try cases in which indictments have been returned or informations filled.

To trying an authorize criminal civil rights presentions proposed by the U.S. Attorneys.

To ensure uniform and effective application of the federal criminal civil rights statutes throughout the country.

To reduce the smount of time required to review and make prosecutive determinations on matters investigated and to initiate prosecutions.

Ease Program Description: This program is responsible for the investigation and prosecution of violations of federal criminal civil rights statutes which were designed to preserve personal liberties. Two of these laws, passed during Reconstruction, prohibit persons from acting under cold law or in compairacy with others to interfere with an individual's federally protected rights. Other statutes enforced include those which prohibit the holding of individuals in pecusge or involuntary servicuse, or the use of force or threats of force to include the prohibit the holding of individuals in pecusge or involuntary servicities. About 2,900 of the approximately 7,600 complaints and inquiries received each year are fully investigated by the Federal Bureau of Investigation (FBI). Line attorneys and approximately 80 cases are responsible for revisaling the complaints and investigations and making recommendations for further action. The results approximately 30 cases are tried annually. The Division continues to work closely with U.S. Attorneys on civil rights prosecutions, whenever their resources permit. Experience demonstrates that prosecutions handled jointly by this program and U.S. Attorneys' staffs have a greater likelihood of success. Program attorneys are familiar with the substantive issues that repeatedly arise while the Assistant U.S. Attorneys are familiar with near all manifer violations and the need in a free society to bring sanctions to bear when such violations cour in order to maintain public confidence in our system of justice, demand that every effort be made, consistent with available resources, to prosecute all maritorious cases in which sufficient evidence exists to establish a violation.

NOCOMPALISMENTS and Northcod: Accompalishments of the civil Rights Prosecution Program are presented in the following table:

			Pstimetes	tes
Item	1987	1988	1989	0881
Complaints Received	7,348	7,603	7,603	7,603
Complaints Reviewed	6,759	009'9	6,864	7,128
Matters Investigated	2,826	2,892	3,014	3,130
Matters Terminated	2,698	2,743	2,847	2,951
Cases Filed.	8	4 3	8	87
Cases Closed	61	4	32	32
Average time to close without prosecution (in months)	3.2	2.6	2.5	2.4
Average time to file a case	9.3	17.6	16.9	16.2

The 1988 and 1989 projections for "Complaints Reviewed" and the "Average Time to File A Case" are significantly different than had been settimated in the 1989 Congressional saintission. The majority of the complaints reviewed are handled by the paralegal staff who in 1988 have been utilized to a greater degree to easier with the program's expanded investigation and trial activity. Also, the program has experienced as tremardous increase in the average time to file a case due to the increasing complexity of the cases, which has been demonstrated by a greater number of grand jury sessions conducted per case (grand jury sessions rose 50% between 1986 and 1987 and were 35% higher in 1986 compared to 1986); considerable increases in requests for additional investigation (over 25% in two years); devotion of substantial resources in Philadelphia, San Antonio and Chicago; and, a significant number of trials in the first half develop new cases.

During 1988, the program received 7,600 complaints alleging criminal interference with civil rights, approximately 2,900 of which were investigated by the FBI. The results of 44 investigations were presented to federal grand juries; 35 indichments were returned; eight informations were filed charging 71 defendants, including 49 law enforcement officers; and trials were held in 30 cases, resulting in conviction for 21 defendants and acquittal for 26. In addition, 50 defendants pled guilty.

Incidents of racial violence continue to receive priority for prosecution in 1988. In one case, two of four defendants, members of The Order, a white supremacist organization, were convicted of interfering with the employment rights of Alan Berg, a radio talk show host, whom they killed. A former member of the Aryan Nation in Idaho was convicted of four courts of interfering with the housing rights of various individuals, in one instance by amailing racially threatening letters to the director of an adoption agency that arranged the placement of minority children in white nomes. In Florida, four people (including one who pled quilty and one who was convicted) were prosecuted for interfering with the rights of two Mexican-American youths who were chased in their car and subsequently beaten and shot, resulting in the death of one of the victims. In two housing interference cases involving aren, one man was convicted of buning the home of a black family in Kentucky and two other defendants were found guilty of buning the car of a black family in Indiana. The defendants received to pay almost \$35,000 in restitution to the two victim families. In addition, a grand jury is investigating allegations that an FBI agent was harassed by fellow agents who allegatly ent racially threatening hate letters to him.

The enforcement of official misconduct cases, which accounts for the majority of the program's activity, resulted in charges being brought against hime Mayland State Penitentiary correctional officers for severaly beating and seriously injuring several immates in retaliation for the stabbing of a correctional officer during an altercation. One defendant pled guility and six others were convicted after a month-long informed by Mariass sheriff pled guility to charges that he had removed a prisoner from hospital confinement for a court appearance, after being informed by medical personnel that to do so could endanger the life of the prisoner. A secret service agent was indicted for beating a pedestrian during an altercation that arcse during a presidential candidate's motorcade in New York City. In San Antonio a grand jury has been investigating the shocking death of a police of ficer who had allegedly committed a series of vigilante-style acts and was killed by shocking officer his state trial, allegedly upon orders of other San Antonio officials. Four local police officers and deputy sheriffs in West Virginia were charged with multiple counts of conspiracy and witness tampering regarding too separate beating incidents of arrestees

In an incident relating to the enforcement of involuntary servitude laws, a couple in Mirnesota pled guilty to immigration violations for their having brought two children from South America to sell flowers on the street six days a week. Though the sales amounted to several hundred dollars a week, the children received \$30 or less and sometimes nothing, and were beaten and made to do housework. In addition, the program was successful in recommending that an appeal be taken to the Supreme Court in Mitted States v. Kozminski, et al. to resolve the conflict among the circuit courts on the standards used to prosecute involuntary servitude cases. The Court's resulting ophion now ensures that the same standard will be applied nationwide.

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Special litigation.....

Long-Range Goal: To establish and protect constitutional rights of institutionalized persons, mentally and physically handicapped persons of all ages, and persons confined in state and local prisons and jails and enforce federal laws prohibiting racial discrimination in all public facilities such as prisons and jails.

Major Objectives:

To investigate, upon reasonable cause, the conditions of confinement and treatment provided to persons in publicly operated institutions; obtain voluntary compliance in correcting any constitutional deficiencies or other violations of federal law; and, as a last resort, to initiate litigation on behalf of such persons when egregicus conditions are found to exist.

To initiate and/or participate in litigation designed to remove racial discrimination from public facilities; establish constitutionally acceptable conditions of confinement, care and treatment of institutionalized populations; and, remove discrimination against handloapped

To ensure compliance with existing judgments or consent decrees

authorizes the Atomey General to investigate and initiate civil actions on behalf of persons confined to publicly operated institutions authorizes the Atomey General to investigate and initiate civil actions on behalf of persons confined to publicly operated institutions deprive them of their constitutional rights. Such actions may be initiated only after appropriate state or local officials have been afforded a reasonable opportunity to voluntarily remedy unlardy confinement and have failed to do so. Persons involved include inmates of state prisons and local jails; clients of publicly operated mental health, mental retardation and juvenile detention centers; and, residents of nursing homes, and facilities for the physically handloapped and chronically ill. The program also has the responsibility of enforcing compliance with federal laws which prohibit discrimination in public facilities on the basis of a socytable conditions within an institution, and initiate and participate in private litigation to establish constitutionally acceptable conditions within an institution, and initiate and participate in litigation when investigation to establish constitutionally acceptable conditions within an institution of federal civil rights laws. In addition, staff members mentor compliance with judgments or consent decrees previously entered in the cases on its docket by conducting on-site impactions, reviewing contramated representating PRI investigations and, in appropriate cases, continuing contact with court-appointed monitors responsible for assuring compliance.

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Accomplishments and Workload: Accomplishments of the Special Litigation Program are presented in the following table:

			Estimates	500
Item	1987	1988	1989	7880
Cases Filed	٠	r	•	a
Cases Closed	18	-	•	•
Cases Pending (end of year)	31	33	35	38
Matters/Complaints	1,256	1,089	1,200	1,250
Matters/General	122	118	125	130
Congressional/White House Referrals	45	51	S	S
Major Institutional Investigations Initiated	7	~	•	•
Major Institutional Investigations Closed	#	٣	~	ß
Major Institutional Investigations Pending (end of year)	37	36	36	35

Modest increases are projected for 1989 and 1990 due to the introduction of the ANICUS office automation system. At a time when the program must focus on completing current investigations, negotiating consent decrees, monitoring compliance and filing cases, ANICUS will enable the staff to handle increased activities in a more efficient and effective manner.

During the period from October 1, 1987 through September 30, 1988, the program initiated two new investigations pursuant to the civil Rights of Institutionalized Persons (GRIPA). One concerns a mental health facility in New York and the other addresses conditions at a county jail mississippi. When settlement negotiations failed, the program filed a civil suit pursuant to CRIPA, U.S. v. New York, seeking injunctive realist to correct constitutional violations at the Buffalo Psychiatric Center. In addition, an access complaint for preliminary injunction was filed in New York seeking to gain access to Creechnor Psychiatric Center for the purpose of conducting a CRIPA investigation. As a

result of the suit, access was gained to the facility to conduct our investigation and the case was dismissed. Discovery is continuing in two other cases and two additional legally binding and judicially enforceable consent decrees have been entered concerning a mental health facility in the Kalamazco (Michigan) Regional Psychiatric Hospital and a juvenile detention center in the Essex County (New Jersey) Youth House. Currently, there are 19 CRIPA cases which are being monitored for compliance with consent decrees. In several of these cases, the program is considering enforcement actions.

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Long-Range Goal: To prevent and eliminate systemic barriers to the full participation by racial and language minorities and overseas, blind, handloapped, disabled and illiterate citizens in the electoral process and to achieve effective remedies for those citizens in specific instances where their right to vote has been denied or abridged.

Major Objectives:

To prevent through the Section 5 preclearance program the implementation of new standards, practices and procedures that have the purpose or effect of denying or abridging racial and language minorities' right to vote throughout the 909 counties specially covered by the Voting Rights Act (VRA).

To assure the sequence of federal observers to those polling places within the specially covered counties where cheerver personnel are needed to document misdeeds in the electronal process or to ensure confidence of the minority community in the electronal process and actions of individuals conducting the electrons, and provide a federal alternative for voter registration when the actions and practices of local authorities discriminatorily deny racial and language minorities' access to the voter registration polls.

To defend lawsuits that are brought against the United States under the special provisions of the VAN to preclear voting changes and to teaminate coverage, and initiate lawsuits against jurisalictions that violate the preclearance requirements of Section 5.

To discover and remedy methods of conducting elections that dilute the voting strength of racial and language minorities, and actions of state and local election and voter registration administrators that prevent a full and fair exercise of the franchise by racial and language minorities, overseas citizens, and voters who are elderly, handicapped, blind, disabled, or are unable to read or write.

Rase Program Describion: This program is divided into two components. The Section 5 component, staffed by equal opportunity specialists under the supervision of attorneys, reviews charges in voting practices or procedures required to be cleared before they can be implemented by the jurisdictions that are specially covered under the VRA, their political subunits, and the states in which they are located. If a jurisdiction fails to carry its burden of proving that a charge does not have a discriminatory purpose or effect, the program recomments to the Assistant Attorney General that he interpose an objection to the charge. As an alternative to administrative preclearance, the VRA provides that jurisdictions may seek judicial preclearance through declaratory judgment suits. The litigation component of the program handles these suits, brings suits against jurisdictions which implement voting charges which have not been precleared, and handles suits under the provision of the Act that allows jurisdictions to seek a judicial determination that they no longer need to be subject to the

preclearance requirement. The litigation component also brings lawsuits to enforce the Act's minority language requirements, and to enforce other provisions of the Act and other voting laws that apply nationwide to remedy discriminatory practices and procedures relating to voting and voter registration. Enforcement of the 1975 exclusive English prohibition is handled through the administrative and litigative enforcement mechanisms described above. Both components assist in determining where federal deservans are needed to observe election day activities (to report influentions of interference with or abridgment of minorities, voting rights). In addition, staff members assist local elections officials in understanding their responsibilities for assisting language minorities and voters who are elderly, handloapped, blind, disabled or are unable to read or write in exercising their voting rights.

Accomplishments and Horkload: Accomplishments of the Voting Program are presented in the following table:

			Bat	Patimates
Item	1987	1988	1989	0661
Defensive Lititation	•	6	٠	٠
Offersive Intication.	145	159	157	175
Section 5 Submissions Received.	3,404	4,655	3,890	3,890
Section 5 Submissions Processed.	3,404	4,655	3,890	3,890
Received	7	79	9	78
Matters Terminated	2	8	8	S
Cases Filed.	13	11	16	17
Cases Closed	*	19	25	87

Increases in offersive litigation are anticipated due to the introduction of a new office automation system.

During 1988, nearly 1,000 more submissions were received under Section 5 of the VRA than were received in any previous year. This record total of submissions involved 138 changes to which objections were interposed, including county redistricting plans, new methods adopted for the election of county boards of eacheristic, commissions, and constables and justices of the peace; the use of numbered posts, majority vote requirements and residency districts in at-large elections, annexations to a city that elects its council at-large; multi-member judicial districts and the use of designated posts in those elections; and, an Arizona county's approach to incorporating the Navajo language laction process. The program participated in 17 new lawsuits, 12 as plaintiff, three as defendant and one each as plaintiff-intervenor and as amices out and county county boards of education and commissioners violates Section 2 of the VRA, one attacked the redistricting of los Angeles County, california under Section 3, one sought to enforce objections interposed under Section 5 against the use of stargested terms in electing a county to conform objections interpreted to plans for 30 Mississippi county school boards and for changes made by a south Carolina city, and five were brought to protect rights under the new informed and overbeas cliticans Absertes Vetting Act. The case filed as plaintiff-intervenor challenged under Section 2 the method of electing one member of the Louisiana Supreme Court. Two of the lawsuits filed against the Attorney General seek precilearance through the declaratory judgment process following Section 5 objections to changes in the method of electing of electing of electing of electing the section 5 objections to the third

erroneously sought to involve the Rederal Government in a local dispute. The <u>amicus</u> participation was filed in the Supreme Court and successfully urged that Section 5 applied to the choice of a date for holding an election.

Pourteen consent decrees were entered in 1988, six in actions under Section 2 that challenged at-large methods of electing city and county councils, one in a Section 2 action challenging a county redistricting plan, two which required special elections in an omnibus Section 5 lawsuit that enjoined uppreclasted changes in school boards elections in 22 North Carolina counties, one in a Section 5 action to numerous anneations, and three on actions that allowed votes to be counted pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (court orders were ordained in the other actions under this Act); in other orders in the combine North Carolina esterion plans and special elections were ordarded to cure violations conscioned by the use of upprecleared discriminatory methods of election. Under the special provisions of the VRA that authorize the Attorney General to assign federal observers were assigned to cover elections in 18 counties in seven vote properly counted is not denied during the election process, 424 observers were assigned to cover elections in 18 counties in seven vote properly counted is not denied during the election process, 424 observers were assigned to cover elections in 18 counties in seven vote properly counted is not denied during the election process, 424 observers were assigned to cover elections in 18 counties in seven redeared. In addition, the program continued to maintain contact with the Department of Defense's Federal Voting Assistance Program, the Federal Election Commission's National Clearinghouse on Election Abministration, the Breast of the Genese and the Office of Personnel and the Commission of statues enforced by the Division.

	1989 An	9 Appropriation	iation	ST .	SEG Bas		861	1990 Estimate) te	Incres	Se/Dec	9566
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Employment litigation	63	23	59 \$3,941 63 59	8	59	\$4,395 63 5	63	23	59 \$4,395	:	:	:

LONG-RANGE Goal: To reduce discrimination in employment by state and local governmental units and private federal contractors.

Major Objectives:

To develop the legal principles necessary to create a nationwide climate where voluntary compliance with laws against discriminatory employment practices can be achieved.

To initiate litigation to enforce Title VII in the public sector, and based on referrals from the Equal Employment Opportunity Commission (EECC) and the Office of Opticat Compliance Programs in both the public and private sector; participate in private suits when the government's position is important to the development of case law; and, ensure compliance with existing court orders.

To issue right-to-sue notices to persons who have filed public sector charges with the EECC.

Base Program Description: This program addresses the problems of discriminatory employment practices of state and local governments and private federal contractors. It enforces federal laws which prohibit discriminatory employment practices which result in the denial of equal employment opportunities because of race, color, religion, sex, national origin or hardicap. Approximately 10 million jobs involved in the public sector are subject to Title VII and upwards of 30 million jobs in the private sector are subject to fittle VII and upwards of 30 million jobs in the private sector are subject to fittle VII and upwards of 30 million jobs in the private sector are subject to Executive Order 11246. Program staff investigate and, when necessary, initiate litigation with respect to problems peculiar to employment discrimination. Litigation is

used only when negotiation does not result in voluntary compliance. All suits, whether in the public or private sector, seek to remedy all forms of purposeful discrimination and practices having a discriminatory impact such as those that result from the use of invalidated tests and other selection and practices and standards which have disproportionate adverse impact upon racial, ethnic, and religious minorities and upon females; abuses of managarial discretion; and, discriminates because and programs. Major elements of relief sought include: relief for individual victime of unlawful discriminatory practices in the forms of reliminatement, promotional and/or hack pay; affirmative recruitment afforts directed towards minorities and females; validation of tests and other selection and promotional practices; and, alimination or charge of other employment practices having unmacessary discriminatory effects. The Division is currently seeking new and innovative methods to remedy the problem of employment discrimination. Idigation conducted is concluded by consent or imposed by the courts.

hormolisments and horkload: Accomplishments of the Daployment Littigation Program are presented in the following table:

Item	1987	1988	1989	Estimates 1990
Agancy Referrals	97	62	3	8
Investigative Matters Received	50	7	?	9
Соттементов	8	2	18	52
Cases Terminated	e	6	9	32
Right-to-Sue Notice Requests Received	1,525	1,465	1,600	1,600
Right-to-Sue Notices Issued	1,363	1,480	1,500	1,500
Decrees Enforced	157	152	140	160
Decrees Obcained	58	11	15	8

The program's workload is expected to remain fairly consistent through 1989, however, the level of activity in 1987 dictated a temporary change in emphasis for 1988 and 1989 as resources were shifted from suit generation to relief implementation in previously won cases. The interest level of activity in 1987, both in the trial of cases and the negotiation of occasin decrees, requires that 1989 resources be devoted to the process of identifying victimes of discrimination for purposes of back pay and other relief. The number of cases filled in 1987 was high due to the conclusion of an investigation of the use of applicant durational residence requirements that resulted in the filling of 18 lawsuits in the Derivit area, a situation which is unusual and unlikely to occur in the future. It should also be noted that when statistics same level as in prior years. In the meantime, EDC implemented a new system for referrals under which the numbers received at about the significantly lower as the referrals are processed on a more selective basis.

In 1988, program staff filed nine cases and obtained 11 consent decrees, with an additional consent decree pending entry by a federal district court after a fairness hearing. Significant highlights of the decrees included: a provision requiring the defendants in United States v. Las Vense Metropolitan Police Department to develop and validate a new procedure for use in the selection of candidates for the positions of police officer and corrections officer, the resolution of hiring and promotional issues in an 18-year old employment

discrimination case against the Alabama State Police, and the resolution of a 15-year old case against the Chicago Police Department with the recovery of \$9.2 million. Consent decrees have now been signed in 17 of the 18 residency suits filed against municipalities in the Detroit suburbs. In the area of test validation, the Division has concluded, in conjunction with a testing expert, that valid entry level examinations have been developed for law enforcement positions in Saffolk County, New York, the New Jersey State Police, the Google Apparament in the New Jersey State Police (police of floer and corrections officer), and the Nerren, Michigan Police Department. In addition, important entry level and promotional test development projects for five departments are undersay in San Francisco, Chicago, and New Jersey. Finally, a consent decree was entered in a case against the Massachusetts Prisons which, to the Division's knowledge, is the first pattern and practice case which has no momentary caps on back pay (i.i., each person found to be a victim is eligible for full relief).

The program's responsibility to monitor decrees has increased significantly in the past few years. Approximately 150 decrees for which the program has enforcement responsibilities will be pending at the beginning of 1990. Until 1988, the number of cases with new decrees increased each year at a rate which far exceeds the number of cases in which decrees were dissolved. For example, in 1986, 19 new decrees twere obtained in full resolution of suits plus three to resolve issues which required supplemental action in suits previously resolved; only decrees and itsigation matters and, as a result of this review, 63 cases and consert decrees which no longer required any active participation by the program were removed from the docket and were either closed or sent to the Federal Records Center.

Recognising the increasing size of the program's compilance obligations and the fact that many compilance problems can be addressed and resolved more effectively when they are discovered in a timely manner, the program refined and improved its compilance monitoring efforts.

It is balieved that these improvements will be advantageous to all parties involved by ensuring that: (a) defendants file reports regularly and on time; (b) reports will be analyzed promptly; (c) the program will maintain a continuity of presence with the defendants that will enhanced and compiled into a uniform format that will enhance of other defendant employers and prompt responses to inquiries from program managers, other responsible officials in the Division and Congressional inquiries. Efficiency will be further enhanced by permitting non-attorney professionals to handle routine contact with defendants and to make routine on-site compliance reviews.

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Coordination and review	33	37	39 37 \$2,528 39 3	39	37	37 \$2,811 39 37 \$2,811	33	37	\$2,811	:	:	:

LONG-FRANCE Geal: To achieve consistent and effective enforcement of various laws and regulations prohibiting discriminatory practices in federal programs and programs receiving federal filancial assistance; maximize use of existing federal, state and local civil rights enforcement resources; and, minimize the costs associated with federal civil rights programs while maintaining the level of responsiveness citizens who feel that their civil rights have been violated.

Major objectives:

To maintain continuing oversight and control of all Executive agencies covered by Executive Order 12550 and liaison with other Department organizations and other federal agencies involved in civil rights litigation.

To review, evaluate and monitor, on an annual basis, implementation plans submitted by Executive agencies; review proposed or final agency regulations or material and monitor, on an annual basis, implementation plans submitted by Executive agencies; review proposed or final agency regulations or material and monitors for implementation of Section 500 of the Rehabilitation Act of 1973, as searched, as it concerns federally conducted programs.

To provide attention and Transportation Barriers Campilance Board.

To provide assistance to Departmental organizations as well as other federal agencies to enable them to implement the requirements of Section 500 regulations covering their programs and activities.

To provide agency to the Office of the Solicitor General, the civil Division, and other federal agencies in various lawsuits which includes providing advice on the effect of a case or on particular motions or briefs, writing pleadings and affidavits, preparing court requested status reports, answering interrogatories, and furnishing testimony.

Base Program Description: This program ensures that all federal Executive agencies effectively and consistently implement the nordiscrimination provisions of federal grant statutes prohibiting discrimination on the basis of race, color, national origin, handloap, religion or sex. Under Executive Order 12250, the program undertakes a diverse array of requiatory and administrative initiatives. The program reviews all new civil rights regulations for consistency, adequacy, and capitally assists agencies may of rights plans offers agencies training and technical assistance their civil rights enforcement procedures and programs; and, promotes interagency information sharing and conservation. In addition, support is provided to the Office of the Solicitor General, the Civil Bivision, and other federal agencies in various lawsuits. This assistance includes providing advice on the strategy of a case or on particular motions or briefs, writing pleadings and affidavits, preparing court requested status reports, answering interrogatories, and furnishing testimony.

<u>Accomplishments and Workload: Accomplishments of the Coordination and Review Program are presented in the following table:</u>

Item	1987	1988	Pet in	Estimates 9 1990
				ŀ
Non-Regulatory Documents Generated	707	569	472	96
Responses to Citizens and Public Officials.	192	215	239	235
Documents Reviewed as Part of Special Projects.	:	324	192	200
Reviews Conducted of Agency Programs	52	22	88	S
Delegation Agreements Developed or Implemented	7	9	•	•
Liftigation Documents Prepared or Reviewed (g.g., Pleadings,				
Eriefs, Interrogatories)	61	114	7	7
Technical Assistance Provided	1,056	775	970	1,008
Regulations Reviewed	92	72	82	82

The workload statistics reflect the program's accomplishments for 1987 and 1988. The data for 1989 and 1990 are projected based on historical experience. The workload factors for this program have been revised to more accurately reflect its activities. "Non-Regulatory formants caesarded" was refined. Special projects (a.g., handling Office of Revense Sharing (GRS) complaints, revisating letters of Finding from other civil rights agencies) are now listed under "boomments Revisated as Part of Special Projects." In addition, items requiring only cursory attention by the program are no longer counted.

In 1988, the program responded to comments on the third joint publication of notice of proposed rulemaking to implement Section 504 for federally-conducted programs and activities in 13 federal agencies and oversaw the publication of the final regulation; received and analyzed comments on a proposed smernhamer to the Department's Section 504 regulation for federally-assisted programs to reference the Uniform Pederal Accessibility Standards in place of the American National Standards Institute standards as the design standard to be followed in new construction or alteration and published the final regulation; and, reviewed 286 letters of findings, the civil rights implementation plans of 25 agencies. In addition, 72 regulations were received and reviewed. Comments were made on 54 regulations, ten were published as proposed rules and 25 were published as final rules. Finally, a project to process complaints and compliance reviews that remained unresolved when the GPS ceased operations was centimed; 62 were processed in 1988.

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Housing and civil enforcement	33	31	\$2,135	33	ដ	\$2,371	33	31	\$2,371	:	:	:

Long-Range Coal: To eliminate a significant portion of the illegal discrimination in housing opportunities and credit transactions related thereto; to eliminate a significant portion of the illegal discrimination in places of public accommodation; secure general compliance with the Equal Credit Opportunity Act (ECCM) and its implementing regulations; and, secure general compliance with federal statutes requiring nordiscrimination in the provision of municipal services.

Major Objectives:

To investigate compliance with and initiate litigation to enforce the Fair Housing Act and the BOOA, monitor final court orders resulting from auch suits, and move for contempt of court or other relief where the facts warrant.

To include litigation, upon referral from the Department of Housing and Union Development (HAD), to remedy local government bodies in noncompliance with their housing-related obligations under the 1974 Housing and Community Development Act.

To communicate equal housing and equal credit opportunity information to the public by liaison with federal, state and local enforcement

To investigate compliance with and initiate litigation to enforce the provisions of Title II of the Civil Rights Act of 1964 relating to

agencies.

The state of the s

housing, equal credit opportunity, provision of municipal services under federally funded programs and public accommodations. It is ranked as a major principly of the Division of municipal services under federally funded programs and public accommodations. It is ranked as a major princity of the Division. The Administration has placed increased explains in the Division of fair housing enforcement activities and on working with HDD to identify and bring to court persons and conjunctions of the statute. The program also provides any necessary support for legislative initiatives relating to fair housing which the enablishment of the program's major objectives with assistance from local U.S. Attorneys Offlogs and the Pederal Bureau of Investigation. Coordination is required with federal agencies who have housing and credit responsibilities. Coordination with HDD is essential so that a sound and consistent polloy may be developed in the interpretation of the Pini Housing Act include the investigation and conciliation of individual complaints alleging prohibited discrimination and referral of metters to this program when its staff believes they marit consideration under the Division's pattern and practice authority. Staff members direct the accomplishment of the program's major objectives with assistance from local U.S. Attorneys Offlogs and the Pederal Bureau of Investigation. Coordination and to avoid duplication of enforcement effort. Purthermore, coordination is necessary with those state and local civil rights agencies that have jurisdiction under local law to seek to prevent the types of discrimination prohibited by federal law.

\$ Accomplishments and Morkload: Accomplishments of the Housing and Civil Enforcement Program are presented in the following table:

		;	Patimates	983	
	1387	1288	7983	22	
Cases/Matters Received	497	286	200	650	
Investigations Conducted	201	117	250	350	
Matters Closed	237	152	150	200	
Cases Filed	25	8	125	250	
Cases Closed	22	50	25	33	
Judgments/Decrees Obtained	53	77	\$	100	

The 1988 workload statistics are based on the program's achievements to date and projections of anticipated activities. The reduction in matters received in 1988 compared to 1987 was due to a decrease in compaints received directly from citizens. The program expects the number of compaints to increase significantly in 1989 and 1990 due, in part, to the amendments to the fair knowing Act which become effective in March 1989. These amendments will significantly increase the authority of the program to combat unlarful housing discrimination, requiring the program to initiate litigation when the Department of Housing and Urban Development concludes that a violation of the Fair Housing Act may have courred, and a party desires to have the matter resolved in federal court rather than before an edinistrative court. The program expects to be required to file more than 100 such cases in 1990. The new Act also expends the traditional authority to remedy patterns and practices of housing discrimination, protects for the first time families with children and handicapped persons, and allows the program to seek damages and civil penalties in housing discrimination lawsuits. These provisions will significantly increase the program's workload.

Suits alleging a pattern or practice of violations of the Pair Housing Act involve such prohibited actions as refusal to sell or rent a dwelling to a person on the basis of race, color, national origin, sex or religion, zoning and other exclusionary practices, and, failure to court the income of women on the same basis as men in determining whether to make housing available to an applicant. During 1988, the program filled is desser gainst the Act, successfully negotiated nine consent decrees and obtained referenche littigated judgment. The cases initiated included suits against apartment owners, resort developments, mobile housing and public housing authorities. One of the suits against a public housing authorities of the U.S. Attorney Offices was transferred to the program in 1983, additional steps have been concluding the Title II enforcement efforts of the U.S. Attorney Offices was transferred to the program in 1983, additional steps have been taken to uncover volotations in this area. As a result, seven new cases were filled in 1988 alleging fitle II violations. Six of these cases involved nightclubs or hars accused of discriminating against blacks by refusing them admittance or service, crip imposing different terms of admittance or service, than were imposed on white patrons. Five cases were resolved through consent decrees.

	1989	Appropri	lation	51	90 Bas		1990	Partie	at a	Incre	Dec/Dec	950
	. Se		MY Amount	Post. MY	¥	Amount	Ros.	Ħ	MY Amount	Ros. W	Ħ	Amount
mal opportunities	æ	8	\$2,006 31 28	31	88	\$2,229	28 \$2,229 31 26	88	\$2,229	:	:	:

Education

<u>Long-Range Coal</u>: To eliminate segregation in districts formerly operating dual school systems and reduce, in substantial measure, the need for court supervision of public elementary and secondary school desegregation in these districts; make substantial progress in eliminating unlawful segregation and discrimination in public schools in districts where there is no history of a schotucity required dual system; eliminate continuing denials of equal educational opportunities in public school systems; eliminate discrimination in and/or denial of educational opportunities to Native Americans; eliminate the vestiges of unlawful, racially dual systems of higher education; and, assist the Department of Education (ED) in enforcing assurance of compliance with civil rights laws.

Major Objectives:

To initiate and/or participate in litigation designed to bring about the orderly desegregation of schools pursuant to federal laws; eliminate denial of equal protection of the law in educational institutions on account of sex; and, secure equal educational opportunities for students in public school systems and educational institutions receiving federal financial assistance.

To seek supplemental relief designed to eliminate the vestiges of racially dual school systems and to achieve compliance with constitutional trequirements. Such relief in southern school districts will lead to the elimination of the need for judicial supervision of many of these school districts.

To file lawsuits, upon referral from ED, to enforce nondiscrimination assurances made by educational institutions recoiving federal funds and defend ED against court challenges to its authority to enforce civil rights assurances by federal recipients through the administrative

To coordinate activities with ED to ensure that cases referred are worthy of litigation; investigative efforts are not duplicated; litigation reports are secured from client agencies; and, litigation is jointly plained (strategy, preparation of court documents, utilization of

pase Program Description: Program resources are expended primarily to litigate existing cases and to move for supplemental relief in cases previously decided, when necessary; institute cases to eliminate denials of equal educational opportunities; and, handle cases brought against D. Initiatives in the area of school desegregation require continual coordination with the Office of Civil Rights (CR), DD. Advance planning is undertaken to ensure that cases referred are worthy of litigation. Direct and organic coordination with CRY is also necessary to ensure that investigative efforts are not duplicated as complaints are frequently filled with the Division and CRY stability actions. In defensive cases, coordination includes securing litigation reports from the client agency, joint planning of litigation strates. In addition, significant resources are devoted to revisable of spacey personal with respect to the preparation of such cases for trial. In addition, significant resources are devoted to revisabily longistanting school cases to defermine those action districts which have fully compilates monitoring unit which is responsible for monitoring defendants' compliance with outstanding court orders.

Accomplishments and Norkload: Accomplishments of the Educational Opportunities Program are presented in the following table:

. Item	1987	1288	Batimates 1989	1990
Cases/Matters Received	300	9	425	200
Investigations conducted	300	325	330	450
Marcers Closed	280	325	320	425
Cales Filed	9	51	15	90
Cases Closed.	75	145	150	300
Datersive Cases in Progress.	ĸ	v	•	15
JUDGINEAUS/DECINES (DCAINED:	19	8	125	225

In 1988, this program implemented a case closing initiative involving the review of at least 300 old achool cases which have had desegregation orders in place for approximately 20 years. The purpose is to decide whether the achool systems involved have fully compiled with their orders to determine whether the court should be requested to disalise these cases. The project includes the review of voluminous case files and meeting and/or discussing issues with achool officials in each district. It is articipated that private plaintiffs may object to dismissals in some of the cases which may result in litigation. In addition, this project will possibly generate a substantial number of complaints from parents and students. For these reasons, all of the workload statistics for 1990 are expected to increase significantly.

A five week trial conducted in 1987 in the Mississippi higher education case resulted in an adverse ruling by the court; an appeal has been filed and further litigation is expected to cocur in the near future. An amended complaint filed in March 1988 in the Alabama higher education case required the collection of federal funding information for Alabama institutions from 20 federal agencies; preparation for trial which is anticipated to cocur in the Fall is requiring substantial resources. Although the United States devoted considerable time and resources to settlement negociations and recently prevailed on the liability issue, extensive trial preparation is also in progress in the Louisiana higher education case in anticipation of a winter remedy trial. Finally, it is expected that a fourth higher education case want and consent decreas have been obtained in 93 cases and sometary and secondary cases and 15 cases are being prepared for trial this year. Court orders and consent decreas have been obtained in 93 cases and 51 investigations are in progress. Trial in the Charleston, South Carolina school case was completed in September and a post-trial brief is being prepared. The

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compliance Monitoring Unit has been extremely productive in monitoring and taking appropriate enforcement action with respect to districts operating under court orders. Unit personnel handled 173 reports to the court from school districts, received a voluminous amount of written and talephonic complaints, sent out and followed up on 229 information request to each ol districts which have failed to file required reports, and handled 23 investigations. The information request letters have generated a tremendous amount of increased activity as guidance and assistance have been sought by many of the districts is currently being analyzed to determine each district's compliance status. The unit which is unitiated a case closing project designed to districts and plants and dismissal proceedings will proceed as appropriate. Additionally, the action of districts have been contacted and dismissal proceedings will proceed as appropriate. Additionally, the staff conducted or-site review, provided assistance to districts developing and implementing plants, and activally additionally, the write has been very successful in urging districts to initiate and activities with the segregation. Pary districts have had virtually no experience in this area, therefore, the unit has made its staff readily available to provide technical support and direction to facilitate the establishment and adoption of approximate affords.

1000	Amount	\$ <u>972</u> \$972
SEC/DEK	至	:44
Incre	Perm. Pos.	:99
pte	Amount	\$4,308 \$7,854
o Petú	3	8 45
198	Perm. Rog.	य खरी
9	Amount	\$4,308 \$2,584 \$6,892
1990 Bas	至	8,218
	Perm. Pos.	2 22 5
lation	Amount	\$3,851 \$2,100 \$5,951
Appropri	麗	8 47
1989 A	Perm.	2 25
	Management and Administration	Executive Direction, Control and Support Redress Administration

This budget activity includes resources for executive and administrative direction and control of the Civil Rights Division as well as its responsibilities as a result of the Civil Liberties Act of 1988.

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ate	Amount	\$4,308
1990 Estimate	×	8
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9	HY Amount Bos., MY Amount Bos.	\$4,308
1990 Base	¥	82
	Perm.	35
Eg	MY Amount	58 \$3,851 54
9 Appropria Anticipated		8
1989 A	Perm.	Z
		Control and Support

Executive Direction,

<u>long-Range Coal</u>: To reduce the incidence of illegal discrimination in the nation through provision of guidance and definition of the Civil Rights Division's mission and priorities and provide to the public such access to Division records as is permissible under controlling law; provide to the enforcement and regulation of the Division all the necessary escentive direction, administrative support, training, and operational support required to enable the program to substantially reduce discrimination in all subject areas enforced; and, improve and maintain more cost-effective systems support and equipment to allow increased efficiency and work per employee.

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To coordinate the Division's enforcement activities appropriately with related activities of other components of the Department and other enforcement agencies.

To participate effectively in Departmental, Executive Branch and governmentative efforts to clarify or strengthen jurisdiction and authority and to establish or improve policies and procedures which govern litigation, administrative enforcement and program operation. To evaluate policies, procedures and systems; anticipate the workload, as well as resource and time expenditures of the programs; and, to develop and implement plans for charges which would render them more efficient, effective and responsive to constituent concerns.

To establish and maintain relationships with public interest groups, members of Congress and other constituent representatives which parmit constituent concerns to be communicated to the Division and Division activities to be explained to constituents' representatives.

To answer Freedom of Information Act (FOIA) requests within 10 days and Privacy Act (PA) requests within 20 days; minimize the number of appeals from denials of records requests by aftering to a standard of maximum disclosure permissible under controlling law; and, assist the civil Division and U.S. Attorneys defending the Department in litigation arising from the denials of FOIA requests and out of cases and matters of historic interest on which the Department file is closed.

To provide cost-effective and responsive meansgement and automation systems capabilities to address management, administrative and litigative provides cost-effective and intigative and litigation and provides.

To review, analyze and respond (on behalf of the Assistant Attorney General) to letters, memoranda and other communications directed to the Division by the White House, Orngress, other federal agencies, private corporations and citizens; and issue Criminal Mon-Prosecution Notices to government and private sector organizations and to citizens as appropriate.

To provide all of the general civil stapport necessary to enable Division personnel to enforce federal civil rights laws, including the following administrative activities: budget formulation and exacution; personnel services and training outside contracts and procurement; anil distribution; space management; supply, equipment and reproduction services; and, other support services not specifically defined in other programs. Base Program Description: The Assistant Attorney General personally approves case fillings, interventions and amicus participations of death cases. Investigative undertakings, enforcement motions and consent decrees; novel legal positions; and, closings of investigations of death cases. He also represents the Attorney General on interapercy councils concerned with civil rights issues. In that connection, he serves as dair of the Interapersy conclination Councils and as amended the Atchitectural and Transportation Barriers Compilance Board both of which were established by the Rehabilitation Act of 1973, as amended. Supervisory responsibility over matters involving investigative and litigative strategy; relations with other components of the Department, other agencies, the Congress and some public interast groups; preclearance of charges in localities with other components of the Department, other agencies, the Congress and some public interast groups; preclearance of divided among the Depart Assistant Attorneys General for action or oversight. Matters involving timence, personnel, and support services assigned to the Executive Officer who confacts them through a centralized operation which is more efficient and cost effective yet provides greater management cointrol The Division is committed to the effective use of Autor ted Data Processing to develop and implement systems to increase productivity.

Management and other key personnel have completed specially designed computer courses and are playing integral roles in developing litigation systems within their programs. Through the use of a centralized shared information system—AMICIS—and decentralized personal computers for task specific requirements or where AMICIS is not yet available, programs are able to address their substantive and administrative

requirements promptly and appropriately, saving time and money. Increased litigation support is obligatory to compete with private coursel using the most efficient technology available.

Accomplishments and Morkload: Accomplishments relating to the Division's office automation initiative are presented in the following table:

1988 1989	1390
95 115 432 1,400 956 1,050 300 340	125 1,500 1,100 350
	115 115 140 142 1,050

The data set out above reflect a steady increase in all categories as a direct result of the program's continuing effort to refins and fully implement AUCUS as well as databases and other specialized software on personal computers.

The management activities of this program are by nature non-quantifiable and are best measured by the parformance of the other programs which it manages. However, the Division is developing a Work Measurement System within NHICES which will assist Division managers in measuring, in a more efficient statistical feathor, the inputs, outputs and performance of the other programs, as well as the resources required by each program. The system will be in direct emport of the Department's case management system.

A major goal of the Administrative Management Unit of the program continues to be increasing productivity within the Division through the development and use of information technology. The focus of this initiative is the expansion of network office automation combined with the phasing out of less efficient systems and dedicated word processors. These two initiatives converge in a common developmental theme. The Division has continued its implementation of AMICUS, the network office/dividential may system developed by the Civil Division and adopted by other divisions in the partners. At the conclusion of 1988, the Division has almost 400 users on the system in the Main and MCLS Buildings. In the fully configured AMICUS environment, operating with a mixture of microcomputers and non-intelligent terminals, the Division expects a productivity gain in the range of 12 to 18 percent as documented in a 1987 evaluation of MICUS prepared by an outside consultant. Desktop access to legal databases earth as JURIS, IEMIS, and WESTAW via AMICUS has enabled lawyers and others to rededicate their time to more productive activities. The use of databases and other specialized software on personal computers for doctering, according and direct litigation support has made the Division more efficient and is bringing essential information to the fingertips of its personnel. Highlights of other administrative activities in 1988 include accomplianments in a variety of areas. Increased use of automation in the area of personnel management has provided greater control and improved service. Tracking systems were installed to monitor the status of: employee performance evaluations, unsolicited attorney resumes, and internal processing of new hires. Following management revisions revisions were made to a major portion of the existing position descriptions and Performance Work Plans. For members of the Senior Executive Services. Savings were realized in the area of contracts and procurement through a number of initiatives. Several maintenance agreements, which require payment of a flat fee for yearly services, were terminated in favor of arrangements which require expenditures only when repeater are necessary. Significant savings have also been realized by identifying alternative sources for frequent purchases without

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socificing quality, a.g., recycling toner cartridges for lawer printers and purchasing refurblased furniture, whenever possible. The program has continued the use of contractors for mail/massenger and records management services. In addition, major closing projects have resulted in eliminating 3,000 files from the Division's active inventory.

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Automation has resulted in increased momentum in reducing the POI/PA unit's backlog of pending requests. During 1988, the hacklog decreased from 335 to 274 pending POI/PA requests. The increased monthly rate in closings has coincided with the unit's link to and training in the use of Amicus beginning in 1987.

	1989	Appropriation Appropriated	lation		990 Bas		1990	Bet in	3	ipes	Dec /Dec	856
	1908	M	Pos. W Amount	Posi.	Ħ	Post. MY Amount	Pos.	Ħ	t Ros. W. Amount Ros.	100	Ħ	MY Amount
Redress Administration	52	EI	25 13 \$2,100 25 25 \$2,584 65 46 \$3,556 40 21 \$972	52	52	\$2,584	S	9	\$3,556	Ş	12	\$972

<u>long-Range Coal</u>: To provide payment to all eligible individuals of Japanese ancestry who were evacuated, relocated or interned in the United States chring World War II as outlined by the Civil Liberties Act of 1988.

Major Objectives:

To identify and locate eligible individuals as defined by the Act without requiring applications. To establish guidelines and implement the process for conducting verification of potential eligibles. To notify all applicable individuals of eligibility.

To institute payment of eligibles from the Civil Liberties Public Education Fund.

Base Program Description: The Civil Liberties Act of 1988 (P.L. 100-383) was signed by President Respan on August 10, 1988. Under the Act, the Attorney General was assigned responsibility for Section 105 which provided payments of \$20,000 each to eligible individuals of Japaness ancestry who were evacuated, relocated, or intermed by the United States Government during World War II. In response, the Office of Redress Administration (GRA) was created under the Department of Justice's Civil Rights Division to implement this Section.

Accomplishments and Morkload: The Office of Redress Administration was established in the Civil Rights Division on September 7, 1988. The accomplishments of the program include: establishment of a toll-free number, a post office box and a temporary San Francisco office to assist with the outreach; printed materials in English and Japanese. It is estimated that a total of 38,000 to 45,000 individual contacts have been made through the receipt of correspondence and utilization of the toll-free numbers.

Additionally, 150,000 Voluntary Information Forms have been distributed in 32 states; 50 cutreach meetings have been conducted in metapolism areas of ten states reaching an estimated 10,000 individuals; half page adventisements submitted to 10 U.S. Japaneee vernacular newspapers reaching a circulation of 59,800; statement to the Japaneee American Citizens League affiliated vernacular circulated to 25,000 in all 50 states; press releases sent to 14 U.S. Japanese vernaculars reaching a circulation of 137,300; radio and television interviews in San Francisco and Los Angeles; and, finally, 400 letters following up community leaders in key organizations in 16 states.

Program Changes:	861	8		19	N Est	imate	Incre	798		9	
ROG. MY AMOUNT	Ź	Ħ	Amount	POB	¥	Ros. W Award	ROS. M. Ancurit.	Ħ	2	Ħ	
Redress Administration	82	82	\$2,584	8	4	\$3,556	•	7	8	2	
			•			•					;

It has been estimated that 120,000 individuals were evacuated or interned. Of these, survivors total approximataly 60,000. A three-these plan has been initiated by GRA: 1) identification and location of potential eligibles, 2) verification and notification of eligibility, and 3) payment. In order to meet the responsibilities assigned to the program, an increase of six positions (four program analysis and two claricals) and \$972,000 is requested. This includes management and productivity savings of one position, one workyear and \$9,000.

Civil Rights Division
Salaries and experses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

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	Civil F	Civil Rights Matters
	24	Redress
	Admin	Administration
Item	Posi	Amount
Grades		
CS-15.	~	114
71-30	•	194
	ruc	508
: :	12	348
6-89	2	288
œ-7-	m	26
CS-2:	~	3
œ-3	2	25
Total positions and armual rate	9	1,265
A-76 reduction	7	ኇ
Lapse (-)	-18	-1,187
Total workyears and personnel		
compensation	77	69
Personnel benefits		14
Travel and transportation of persons.		21
Transportation of things		:
GSA rent		6
Other rent, communications		,
f utilities		
Printing and reproduction		ເດ
Other services		735
Supplies and materials		_
Equipment		. 15
The 1 unrhouses & oblications 1990.	21	\$972
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civil Rights division

Salaries and expenses, General Legal Activities

Priority Panking

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Civil Rights Prosection	-	Management and Administration	1
Voting	8		
Housing and Civil Enforcement	က		
Employment Litigation	•		
Special Litigation	ະດ		
Federal Appellate Activity	v		
Educational Opportunities	7		
Coordination and Review	80		
Management and Administration	0	,	

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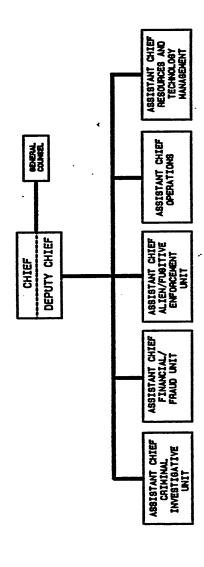
Civil Rights Division

Salaries and expenses, General Legal Activities

Detail of Permanent Positions by Category Fiscal Years 1988 - 1990

			1989		0001	8
Category	1988 Authorized	Authorized	Program Authorized Supplemental	Total	Program	Total
Attorneys (905)	179	02.1				1000
Paralegal Specialists (950)	, v	27	:	2,1	:	179
Other Legal and Kindred (900-998)	3 2	3 3	:	8	:	ያ
Social Sciences, Economics and Kindred	3	3	:	2	:	ឧ
General Admin, Clerical and Office	50	8	:	50	•	20
Accounting and Barbet	128	128	52	153	\$	193
Information and Arts Gram (1000-1000)	4	*	:	-	:	4
Mathematics and Statistics Group (1500-1599).	→ ~	٦.	:		:	
		*	1,1	,	***	2
Total	400	400	25 -	425	-	465
Washington	400	400	25	425	6	465
Total	400	400	25	425	- 04	465





APPROVED: TALLYM MESSE III
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INTERPOL-U., S., Notlonal Contral Burgou Solarisol and obtoined. General Legislation Stoomalk of 1988 Changes

(Dollars in thousands)

1989 Appropriation	Pos. MY .Ast.	70 70 \$4,348
Reprostramains	Pos. WY Ant.	:
Congroundonal Appropriation Actions on Affile Request.	Pour WY Aut.	18 22 -\$268
1989 President's Budgat Resunat	Pos. MY Ami.	52 48 \$4,616
:	Activity/Erogram	INTERPOL-U. S. National Centrul Bureau

Congressional Appropriation Actions. The INTERFUL-U. S. National Central Bureau request in the President's 1989 bidget was reduced by eight positions, four workyons, and \$1,069,000, aliminating resources for internal audit/compliance unit, a paralegal to support the International Waited Nation program, a support position to address writion increases, and upgrades and replayment of toleramenticutions equipment and systems development. The Anti-Drug Abuse Act of 1988 authorized and appropriated 35 positions, 26 workyoars, and \$800,000 in support of 24-hour operations and initial telecommunications vequirements.

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1999 Par raise Realth Benefits Bithin-grade lacresses Edition-grade lacresses Edition-grade lacresses																:::::	:::::	3==\$-
Federal Tolecommications System (FTS) Telephone service Bod Fulling Foreign Evel Adjustment Full Find Everal Adjustment Full Find Everal Adjustment Foreign Everal Everal Everal Fulling Foreign Everal Everal Everal Everal Everal Fulling Foreign Everal Eve	S System	£															:::::::	-4-8=
Decreases: Noweverring costs for telecommunications equipment authorized in Anti-Prug Abuse Act of 1980		1	ř	Ī	1	1	-	3	ž	•						: :\$: :2	
Editate, by hudgel, estivity Interest. S. Mational Central Pursus		.Keert	1701.11. Gentled		1. kt	## ## ## ## ## ## ## ## ## ## ## ## ##	1989 Appropriation Ferm. Section Perm. P	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1989 Apropriation Pers. 1991 VY 981. 78 70 84,388	Pere. Pere. Per. VT 691. 70 70 14,882	Pt. Pert PT 691. 70 64,882	(6) (6) (8)	Pers. Pers. Per. VY PB1. 79 75 05,751	5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5	itte in 1990. Fellente Pers. VI Abis. 79 78 85,731	lucernethuceun for. II foli. y s 1009	¥ = -,	1(beccess 87 861. 5 889
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INTERPOL-U.S. National Central Bureau

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Justification_of_Program_and_Performance

Activity Resource Summary

(Dollars in thousands)

norease/Decrease	Roal HY Amount Post HY Amount Post HY Assunt	70 70 \$4,882 78 75 \$5,751 9 5 \$669	d exchange of eral Secretariat
Estimats. I	IX Amount P	6 \$6,751	unications and INTERPOL Gen
1880	Post.	78 7	sient domm ries, the
Bass	Amount	\$4,882	ing effications
1990	Pos. MY	70 70	by provide ERPOL memi ed States
1989 Appropriation		70 70 84,348	ional crime reaus of INT hin the Unit
9 Appro	K L	2	nternat tral Bu
	.	70	wth of 1 onal Cen nt ageno
Activity: INTERPOL-U.S. National Central Bureau	Control Control of the Condeant	Anibrion-0.5. National Califrat Bureau	Long-Range Goal: To stem the growth of international crime by providing efficient communications and exchange of police information among the National Central Bureaus of INTERPOL member countries, the INTERPOL General Secretariat (headquarters), and law enforzement agencies within the United States.

Haior Obisotives:

To represent the United States in the International Criminal Police Organization (INTERPOL) and to provide timely responses to requests for information from domestic and international law enforcement agencies in accordance with the INTERPOL constitution and Department of Justice regulations.

To analyze patterns and trends in international criminal activities; to coordinate with other Federal law enforcement agencies programs addressing particular areas of international crime, such as drug trafficking, terrorism, financial crime, and international fugitive movement.

To assist the states and U.S. territories in coordinating telecommunications betwoon the USNCB and local jurisdictions, including the maintenance of a strong state liaison program and regional subbureaus, maximizing resources and reducing duplication of effort at the local level.

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To advance USNCB telecommunications and automated information processing so that service delivery is improved in both speed and accuracy, and maintain the U.S. leadership role in modernization of international law enforcement efforts through improved communications, technology, and data processing.

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To assure that the International Wanted Notice Frogram is effectively implemented to provide for worldwide distribution of information on U.S. and foreign fugitives fleeing prosecution.

Base Program Describtion: As the U.S. representative to INTERPOL, the USNCB provides an effective channel for the exchange of criminal information among the member countries of INTERPOL, U.S. federal enforcement agencies, and the 60,000 state and local police agencies throughout the United Bates. Investigative assistance is provided by agents detailed from enforcement agencies throughout the Federal Government, and analyses of patterns and trends in criminal activity is developed from the USNCB's unique data base of international criminal information.

Accombishments and Workload: Over the past year, the USNCB has made substantial progress on two major initiatives for which it was assigned lead responsibility. The first, the Caribbean/Central American Telecommunications Network, it a system tying together 30 countries in that region on a 'necommunications link that will allow direct access to the INTERPOL channel. This will provide transmission of vital "reafficking routes between Bouth and North America. The United Nations' Fund for Drug Abuse Control has provided terminals throughout this network, and the INTERPOL Puerto Rico subbureau will fund an automatic message-switching computer that will build a data base relating to the region's drug trafficking activities from more than 300 daily messages expected through the system. INTERPOL General Secretariat plans duplication of this project in the Pacific

A second initiative, the INTERPOL US/Canadian/NLETS Interface, will allow the 50 states participating in the National Law Enforcement Telecommunications System (NLETS) and their Canadian counterparts to exchange police information using the USNCB and INTERPOL Ottaka as the necessary interface. This project will have a major impact on the movement of fugitives and stolen vehicles across the US/Canadian border. Tanked by the Attorney General with project coordination, the USNCB formulated a program application that has been approved by NLETS and the Canadian Police Information Center (CPIC). This application is currently undergoing operational testing, using South Carolina as its initial test state, with Washington State due to come on-line as the test border-state during the second quarter of

These two initiatives are expected to dramatically increase the USNCB's workload: the Caribbsan/Gentral American Telecommunications Network has the potential to generate as many as 300 messages each day to the U.B., and conservative estimates by the Canadians set daily mossage traffic from the INTERPOL US/Canadian/NLETB Interface at 2500 messages por day once this program is fully operational. In addition, this project requires coverage 24 hours per day, with "hits" immediately confirmed.

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To facilitate use of the INTERPOL network by domestic agencies, the USNCB is working with states to establish lisison offices through which inquiries to the USNCB can be channelled. This makes it essier for local law enforcement to access INTERPOL and eliminates many querying errors at the source. As one of the first states to participate, Illinois has detailed an investigator to the USNC3 to goordinate this program. Two training seminars have been held at the USNCB, and a national assembly of state lisisons hosted by Illinois and the USNCB is being planned for late concept.

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The USNCB has experienced a steady increase in message traffic and caseload from 23,170 cases in 1982 to 48,184 cases in 1987, generated by increased traffic from INTERPOL member countries, by an increase in the number of participating approaches at the USNCB, and by the success users of the INTERPOL network have experienced in obtaining investigative information. In order to address workload demands and institute 24-hour operations, in 1986, 1987, and 1988 the Department of Justice approved temporary positions to eliminate backlog problems resulting from increased use. These temporary positions were made permanent in 1989 by resources authorited and appropriated in Anti-Drug Abuse Act of 1986, thereby solidizing USNCB program operations and service delivery. With these positions, backlogs that the threatened the relatively short shelf-life of investigative information have been eliminated.

Ingresse/Degresse.	Post WY Augunt	698 8 9
imate	Post MY Amount	\$5,761
10_Eat.	XĦ	16
196	Poble	19
3000	Pos. WY Amount	\$4,882
1880	덫	20
	Post	70
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Program Changes

The USNCB requests nine positions, five workyears, and \$889,000 to more effectively use the INTERPOL International Wanted Notice Program, establish a Compliance/Internal Audit function within the USNCB, address workload increases anticipated by expansion of the INTERPOL network to include the Caribbean/Central American Telecommunications Network, and to modernize and strengthen the telecommunications/information processing system currently servicing the USNCB. This increase is offset by a program decrease of \$1,000 associated with A-76 savings to be generated by contracting out of microfiching functions currently being performed by Foderal umployaes.

The International Wanted (Red) Notice Program provides member countries with a vehicle to disseminate information and lookout notices worldwide on fugitives suspected of crossing borders to avoid apprehension. Not only is this program a valuable tool for extradition purposes, but it allows countries to identify and bar fugitives from entry, affectively curbing drug fraffickers, and other criminals "mobility. At prusent the USNCB issues Red Notices on less than one percent of its criminals suspected of fineing the United States, imply bocause it has lacked the manpower to devote to such an effort. The small number the USNCB has issued has resulted in notable successes, such as the Hamadel apprehension in West Germany and extradition from the Maldives of New Jersey State Senator Friedland,

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convicted of embezzlement of union funds. To better avail the U.S. of the benefits of INTERPOL's International Wanted Notice Program, the USNCB requests one position, one workyear, and \$23,000 to assign a paralegal to this effort.

The Department of Justice's Audit Staff has identified the USNCB's lack of formal case review during the investigative process as a serious deficiency. With no data or processing checkpoints, the potential exists for stritical information to be lost, or investigations mishandled, that could result in Privacy Act violations. Present staffing is not adequate to implement such an oversight function, but its necessity is no less realized and has been identified in A-123 Internal Controls assessments. The USNCB requests five positions, two workyears and \$60,000 to initiate such a function, thereby creating a means for routine, ongoing processing checks while a case is active.

As previously described in its accomplishments, the USNCB can expect substantial increases in its workload from the Caribbean/Central American Telecommunications Network (up to 300 messages per day) and increased activity from the U.S. state and local unforcement community. In anticipation of these increases and to ensure that processing backlogs that poses to program credibility do not recur, the USNCB requests two positions, one workyear, and \$20,000 for message and case processing In keeping with its objective to automate as much as possible to improve delivery in terms of speed and accuracy, and to maximize the productivity of staff, the USNCB requests one position, one workyear and \$768,000 for upgrade and replacement of essential tylecommunications equipment at systems development, as well as a telecommunications technician to provide continuous systems administration and oversight. The present configuration of the telecommunications equipment at the USNCB is operating at maximum capacity and is inadequate to address workload that will be generated by such program, in addition to normal workload growth that has occurred with the expansion of the NVERPOL network. Identified as a significant concern by the Attorney General in his 1987 Report on Internal Controls. Teplacement and modernization of this equipment is one of the USNCB, and dated technology slows query processing due to the number of criminal information data bases the USNCB must check.

Following OMB guidelines, the UBNCB substantially relies on the private sector for ADP and telecommunications systems support, including systems design, programming, and systems maintenance. These services are required to maintain the INTERPOL Case Tracking System (ICTS), a relational data hase of investigative information that operates under a state-service assemble as the complex local area network that interconnects personal computers, the ICTS access terminals, the document scanners, the translation computers, and the enhancement required this fiscal year includes automatic data hase checking of incoming messages to determine if a case exists and automatically establish a new case as appropriate, as well as a nessage formatting system. This message formatting system is required in order for the USNCB to accommodate INTERPOL's adoption at its 57th General Ansembly of standard message formatting throughout the INTERPOL network, beginning in 1988 with the European NCB's and the Caribbean/Central American regions.

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Also included as part of the USNCB's systems development are NLETS subscriber fees supporting the Attorney General's designation of the USNCB as the interface for U.S. enforcement's access to Canada's criminal information system, as well as three multipurpose work-stations with software designed to eliminate manual reformating of queries by USNCB analysts and agents. Because the various law enforcement data bases and telecommunications networks used by USNCB staff have different protocols for communications and rules of syntax for inquiry, queries must be separately formatted each time an inquiry about the same subject is made against a different data base. In response to a similar problem, the FBI and D&A developed a sophisticated computer software product that allows a terminal operator to construct a single query which is interpreted by the software and translated to various protocols as necessary. The result is that a single terminal device replaces a number of dedicated terminals, and the productivity of the agents and analysts is substantially increased as the need for tedious and precise reentry of information is eliminated. By using this software, the USNCB is able to take advantage of millions of dollars in software development already invested by the Department of Justice.

Other systems development needs covered in this request encompass office automation to fully implement a local area network and replacement of police photofax transmission equipment.

INTERPOL-U. S. National Central Bureau

Salaries and expenses, General Legal Activities

Financial Analysis - Program Changes (Dollars in thousands)

	Comp	Compliance/ Internal Audit	Interr Wanted Pros	International	Telecomm	International; Wanted Notice Telecommunications Program Systems Design	Pı Ops, Inc	Program Ops/Workload Increases	Total	tal
Item .	Pos.	Amount	Pos.	os. Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades GS-11	ດຕ : :	. 588	: :	* 19 	1	8 29 · · ·	cv		ਲਵਾਕ	\$ 87 77 32
Total Positions and annual rate Lapse (-)	မ မ	116 -87		19		29	~-	32 -16	8 7-	196 -83
Total Workyears and personnel compensation	~	6	-	19		58	+	16	မ	113
Personnel Benefits .		د		n		4		e		15
Other services		e		-		443				448
Equipment		ဇာ		:		290		:		293
Total program workyears and obligations changes requested, 1990	N	09	-	23	1	766		50	ń	698

£

25.00

U.S. National Central Bursau
Salaries and expenses. General Legal Activities
Detail of Permanent Positions by Category
Eiscal Years. 1988 - 1990

		ene de designation des galentes que constitue de la constitue	1990	
Category	1988 Authorized	1989 Authorized	Program Increases	lotal
Criminal Investigating Series (1801-1811)	~	-	:	
General Administration, Clerical, Office Services (300-389)	9	99	6 0	7.4
Paralegal Specialist (950) Information and Arts (1000-1099)	. n	. m :	" :	⊶ ຄ
Total	44	70	6	79
Washington U. S. Field	44	70	6 6 .	79
Total	44	70	6	78
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Legal Activities Office Autometion Salaries and expenses, General Legal Activities

Summary of Requirements (Dollars in thousands)

***		**	***	3	7	Legal Activities Office
Incresse/Decrease	1990 Katimate I	1990 Base	1989 Appropriation Anticipated	1988 Actual	1988 Enacted	Estimates by Budget Activity
117.9			1990 Base.			Base
-3,649			Total, decreases		l, decreases	Total
-3,649			Cresses: Non-recurring lease costs	,	lease costs	Decreases: Non-recurring
5,396	• • • • • • • • • • • • • • • • • • • •		Total, mendetorry increases		, mandatorry increases.	Total,
5,226 170			Indatory increases: Annualization of 1989 leases. General pricing level adjustment		of 1989 leases	Mandatory increases: Annualization of 1 General pricing le
121.7			1989 appropriation anticipated		anticipated	9 appropriation
4,726			inancial operations ser		**************************************	
		19 as enacted		on appropriation for f	Tringer from the Control Mainterpretion and control for financial control of Control of	9 as enacted

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Lexal Activities Office Automation

Salaries and expenses, General Legal Activities

Justification of program and performance

Activity Resource Summary

(Dollars in thousands)

Activity: Legal Activities Office Automation	1989 Appropriation Anticipated	1990 Base	1990 Estinate	.Incresse/Decress
	Ameunt	AMONDE	-Ameant.	Amount
Office Automation	. 84,726	\$6,474	\$12,160	\$5,686

i<u>kons-Ranks Goal</u>: The mission of the Legal Activities Office Automation fund is to improve the productivity of administering the legal activities programs through modernisation and enhancement of office automation systems by the Department's litigating components.

To develop systems designs which mest the central requirements of the litigating organisations and the needs of the Department's management officials for information, and which allow reliable interfaces with Department-wide data collection and reporting systems.

<u>Major objectives</u>: Implementation of cost effective vays for electronic exchange of documents and messages among Departmental organisations. Furthermore, the objectives include systematizing the planning and acquisition processes for office automation resources that vill:

- Build on the installed base of office automation systems in the littgeting organizations:

. Build cooperative processing systems wherever possibles and ensure installation of compatible hardware and software in all future acquisitions.

productivity gains in office automation systems and move the Department toward a more coordinated and unified approach to these systems. The BASE FIGHTER DESCRIPTION: In 1986, the Department Resources Board established the Litigating Office Automation Steering Committee under the direction of the Deputy Attorney General. The Steering Committee, composed of the Department's senior management, is tasked with developing a comprehensive policy and a strategy for the design and acquisition of automated systems for the six legal divisions, the offices of the Committee established a formal project team and charged it with responsibility for attaining office automation goals as well as uniform case U.S. Attorneys and offices of senior departmental management. The Committee was given a mandate to achieve management efficiencies and management goals. The Project Team consists of personnel from the litigating components and the Justice Management Division.

During 1986, the Department completed Phase I of this project which consisted of the development and integration of project plans for all of proceed immediately to implement office automation systems throughout the litigating organisations and proceed with an acquisition atrategy the litisating components and senior management offices. At the conclusion of this first phase, it was recommended that the Department which envisions uniformity in office automation systems in the long term and operational compatibility in the short term.

is a fully-integrated office automation system linking a variety of specialized workstations and other system components through a dual local are network that comprises a number of individual shared systems, each with its own network of workstations. Each shared system is capable AMIGUS - Beginning in 1982, the Civil Division developed the AMIGUS office automation system to provide attornys, clerical staff and Division management with access to an array of state-of-the-art services designed to support the operations of a modern law offices. AMIGUS of functioning independently of the local size network for information and vord processing, but is connected with other systems through the network. In addition to vord processing, electronic mail and other office service, ANICUS provides on-line acces to legal research data besses such as JUNIS, LEXIS/NEXIS, WESTLAW and other special data bases. With the funding appropriated for 1997 and 1988, the Department installed the ANICUS system in the Land and Natural Resources and Civil Rights Divisions. By 1990, these Divisions are scheduled to have completed the buy-out of their AMICUS installations.

comprehensive analysis of office automation requirements in Department of Justice litigating organizations completed in early 1986. In addition to requiring adherence to various Government standards, the Project Eagle Request for Proposals (RPP) has six major functional software requirements simed at providing Departmental employees with desktop access to the tools necessary to increase productivity. These PROJECT EAGLE - Project Eagle" is the name used to describe a strategia Department of Justice procurement of integrated office autometion hardware, software and support for saveral Departmental organisations. The requirements of Project Ragio are based on a six requirements are:

LEBAL VOIG DIGISIALS -- The decument production, spell-shocking and printing tools necessary for preparing lengthy legal materials vich multiple footnotes, indices, tables of authorities, etc. Elagicania mail -- A cost-offective electronic alternative to telephones, the postal system, and overnight delivery services for short and informal communications, especially for organizations with a nationvide field-office network. .

3. Calendar geneargant -- Tools for personal and group scheduling of court dates, meatings, conferences and events.

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Communications and file transfer -- Tools for access to on-line legal research services (JURIS, Lexis, Westlaw, etc.), for linkage to the Department of Justice Data Centers for centralised data management activities, and for transferring documents from one location to another. ÷

Service Co

Ditablis manateant -- Tools for automated organization, analysis and retrieval of various types of records, including both evidentiary and administrative data.

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\$5.55.

Document storage and retrieval --Tools for organisation, storage and retrieval of documents from text databases (s.g., for management of In addition to these specific requirements, the Project Esgis office automation system must be compatible with the major office systems already installed in the Department's planned nationvide X.23 already installed in the Department's planned nationvide X.23 a large number of depositions, etc.) and to provide an electronic alternative to paper filling systems (e.g., for a brief bank).

hundred Department of Justice locations nationvide, and for installation, training, and maintenance for the full, eight-year system life. The successful contractor will be responsible for supplying the hardware and software necessary to meet these requirements in nearly two

packet-switching telescommunications network).

Division, Criminal Division, and U.B. Atternay offices), the functional requirements are generic enough to meet the needs of other Department Although Project Eagle was daveloped primarily to meet the needs of the litigating organisations without integrated office systems (fax of Justice organisations.

The Project Eagle RFP was issued in May, 1986. Proposals were inceived in Movember, 1986. Because of the complexity of this procurement, the broad competition, and atrict compilance with the Federal rules governing competitive data processing procurements, the contract for Project Regie has not yet been avarded. ABLICTURE DESIGN. In the Astitrust Division, the Department is planning to upgrade the installed minicomputer system to take advantage of the navest rechnology. At the same time, the Division vill make the necessary technological modifications so that its office automation system will be compatible with AMICUS and EAGLS. In 1990, the Division will acquire gatevey software and system integration services necessary for compatibility.

Assomblishments: The joint planning initiative is building upon existing accomplishments to achieve compatibility at potential savings the Department. In essence, this apprecah involves the adoption of the AMICUS II systems by the senior management offices and the Civil Kibbre and Lands Divisions and the Lesunce of a single RP which addresses, in a single sequisition, the office automation needs of the Criminal and Tast Divisions and U.S. Attornays.

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portion of the requested funding in 1990, as in 1989, will be committed to the joint procurement involving the Tax and Criminal Divisions and the Attorneys. Award of the Project Eagle contract is now anticipated in 1989, and the aystem will be installed in selected offices during 1989. Based on positive evaluations, system implementation will extend over a three-year period, and will involve acquisition of An increase of \$5,685,000 in budget authority is requested for 1990 for the Legal Activities Office Automation fund. This amount will allow the Department to fund office automation enhancements for the litigating organizations and senior management offices through 1990. A major nearly 5,000 terminals in the initial procurement with an option for a further 7,000 terminals.

Ingresse/Decress

1990 Ketimate \$12,160

1220 Base \$6,474

Office automation.....

Program Changes

and and the

\$5,686

Implementation of this joint office automation acquisition program will and the proliferation of incompatible systems which now preclude the rapid and efficient transfer of information, documents, and work products among the litigating components. Also, this initiative will markedly expand the availability and use of automated legal research and litigation support. Major planning and funding decisions continue to be made by the Department Resources Board. One of the benefits of this coordinated plan is that the litigating organisations will be able to integrate their individual efforts, thereby eliminating each organisation " re-inventing the wheal" for common functional solutions. Nost important, it enhances the ability for system interaction among the organisations in 1989, and in 1990, it will provide the dritical technological links to the U.S. Attorneys' offices with which the legal divisions must vork. By consolidating procurements, the Department may realise even greater economics of scale through larger purchase orders. Also, additional savings are anticipated through the devalopment and maintenance of common core activate and, as appropriate, integrated systems maintenance contracts.

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Legal Activities Office Automation
Selectes and expenses, descrat Legal Activities
Financial Analysis - Program Changes
(dollary in thousands)

1100	Legal activities office automation	omation
	705.	Asount
Communications, utilities and misc. charges	•••	2,618 2,937
Total obligations requested 1990.	:	99'5

647 .

Special Counsel for Immigration Related Unfair Employment Practices Salaries and Exponses, General Legal Activities Summary of Requirements (Dollars in thousands)

Adjustments to base:															Perm.	Work-	Work-		
Department of Justice Appropriation Act) Act	:	:	:	:			:		:	:	:	:	:	30	25	\$2,064		
Mandatory Increases 1969 full-year pay increase impact on 1990 Mithin-grade increases Health Benefits GSA Rent	impaci	g : :	1990								- : : :				;;;	:::	190		
General pricing level adjustment Full-field investigations Security reinvestigations AMICUS Total Mandatory Increases	ment														:::::	::::::	4 4 6 4 6 7 7 7 8 9 8 9 8 9 8 9 8 9 8 9 8 9 8 9 8		
1990 Base					į										30	25	2,550		
Estimates by Program	1988 As Perm. Pos. WY	9 2	1988 As Enacted Perm. Pos. WY Amount	Perm. Pos.	N X	1988 Actual Perm.	1989 as Enacted Perm. Pos. MY Amount	A Ang	•	1990 B Perm. Pos. WX		Amount	1990 Estimate Perm. Pos. WY Amount	iot ime	te cunt	Incresse Perm. Pos. WX	<u>ncrease/Degrease</u> Perm. 'os, WY Amount	E E	2
 Special Counsel for Immigration-Related Unfair Employment Practices. 30 25 \$2,054 	30	- S	12,054	30	23	30 23 \$2,052 30 25 \$2,064	30 2	5 \$2,	490	30 2	30 25 \$2,550	920	33	27 \$2,640	,640			06\$	
EOY Employment: Full-time permanent 30	30			24			30			30			33			•			
Other Workyears: Overtime		1 26			24		26	-1 ' 9		7 2	صا ب		100	~ @		7	10	8	
																	•		

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Special Counsel for Immigration Related Unfair Employment Practices Justification of Program and Peformance Selatives and Expenses Activity Resource Summary (Dollars in thousands)

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0/001	၌	~
Incre	100	•
mete	Pos. My Amount	33 27 \$2,640
191	걸	21
1990	Pos	33
	Pos. MY Amount	25 \$2,550
98	걸	- 2
199	Pos	8
1989 Appropriation Enected	Amount	25 \$2,064
prop	겈	52
1989 AF	Pos.	99

L<u>ong-Range Goal</u>: To remedy discrimination based on national origin or citizanship status under Section 102 of the Immigration Reform and Control Act of 1985.

Activity: Office of Special Counsel.....

Major Objectives: To fully investigate all charges of discrimination and to initiate and file complaints with administrative law judges in appropriate cases.

To conduct independent investigations of possible unlawful immigration-related employment practices.

To undertake public education initiatives designed to inform employers, victims, and public interest groups of the protections provided under Section 102, including coordination with other federal agencies.

pase Program Description: Section 102 of the Immigration Reform and Control Reform Act of 1986 (IRCA) makes it an "unfair immigration-related practice" to discriminate in hiring, recruiting, discharging, or referring an individual for a fee, because of such individual's national origin, or in the case of a citizen or intending citizen, because of that individual's citizenship status. The Act examples from these prohibitions: is employed to or feets employees, (t) claims which are enforceable under Italie VII of the 1986 civil Rights Act, 42 U.S.C. 2000e, and (c) employment actions based on citizenship status where the employer must discriminate based on citizenship in order to comply with requirements imposed by attutes, regulations, executive orders, government contracts, or where the Attorney General determines distrained by actual for an employer to do business with a federal, state or local government agency or department. In order to enforce the prohibitions in the Act, the position of "Special Counsel for Immigration-Related Unfair Employment Practices," was created in the Department.

The Special Counsel receives and investigates nationwide charges of employment discrimination filed by private individuals or those filing on their behalf, or Immigration and Naturalization Service Officers, and determines whether the charges warrant filing an administrative complaint. The Special Counsel may also, on his/her own initiative, conduct independent investigations of Section 102 violations, including possible pattern of Section 102 violations, including possible pattern of Section 102 violations a complaint with an administrative law judge seeking injunctive selief and, where appropriate, back pay or civil monetary penalties or both. Once the administrative law judge seeking injunctive selief, the Special Counsel may file an action in federal court to enforce such relief.

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does not file an administrative action, the Act provides the individual the right to file his/her own action before Counsel doe law judge. Whore the Special an administrative

اء يا والكوا الله العراقية الله The program coordinates with officials of the Equal Employment Opportunity Commission, the Immigration and Naturalization Service and other federal agencies to ensure uniform and effective enforcement of the nation's immigration law. The program provides legislative counsel to other tend to other federal agencies. In addition, the program promotes awareness of the anti-discrimination provisions of the Objattment and to other federal agencies. In addition, the program promotes awareness of the anti-discrimination provisions of the Act through public outreach efforts, including mass mailings and participation in conferences involving public and private

Accomplishments and Workload: For the year ending September 30, 1988, the program received 276 charges of discrimination, over ten times as many charges as received in 1987, in the first three months of 1989, the program has already received 105 charges. In 1988, the program filled eleven complaints, based on 22 charges, intervened twice, negotiated thirty-three formal settlements, and resolved over 300 independent investigations by compelling changes in targeted companies' personnel policies and practices; approximately 128 of these investigations are still pending.

Pug The program continued its lisison activities with nearly a dozen federal agencies and has undertaken extensive mailings to inform public increast and community groups, as well as 1NS offices and lagal aid canters, of the anti-discrimination requirements under Section 102, Virthermore, the program has participated in over 100 seminars and conferences before employers and employee across the country, a produced a public service announcement for radio and television which featured a prominent Hispanic television star.

other The costs of conducting pattern and practice investigations and litigating against major companies, in terms of both funding and human resources, is enormous. The absence of regional offices requires extensive travel and often necessitates contracting reproduction and services at the site of the investigation. Over the past year, outreach activities and full implementation of employer sanctions have resulted in a dramatic increase in the number of charges filed with this Office.

1989 1990 Estimate Estimate	550 735 500 700 50 35	25 40	100 175
1988	. 696 276 420	12	33
1987	2220	•	•
Item	Total Investigations Charges Received Independent Investigations	Complaints & Interventions	Formal Settlements

Of the 11 complaints filed with the Office of the Chief Administrative Hearing Officer, ten were original complaints and one was a complaint in intervention. One of the suits arose from an independent investigation atoming from a charge and three of the suits allege pattern and practice violations. In addition, the Office has intervened on behalf of the charging party in a private action. The reduction in the number of independent investigations anticipated in 1998 and 1990 is due to expected increases in charges filed with the Office without corresponding increases in personnel. Program resources will be committed to the investigation of charges filed with the Office and based on current projections, funds and staffing will be insufficient to undertake major independent initiatives or effective public education efforts.

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Increase/Decrease Perm.	Pos. WY Amount
1990 Estimate Perm,	Pos. WY Amount 33 27 52,640
1990 Base Perm.	30 25 \$2,550
Program Changes:	Office of Special Counsel

in ...

Increases of 3 positions and 890,000 are requested for 1990 for the Office of Special Counsel program; one attorney, one paralegal, and one clerical/administrative position. An increase in positions and funding is essential to ensure minimal enforcement of the antidiscrimination provision of Section 102 of the immigration Reforms and Control Act of 1986. The location of the Office, headquartered in Washington, D.C., makes it impossible to absorb such workload increases in the field without contraction of the office, headquartered in Washington, D.C., substantial funding increases, nearly every investigation and document production support. The program continues to defer the establishment of requested additional volument in the first six months and increases that in 1990 with full enforcement of the INS employer sanctions. Authorization of requested additional coalitions will increase this in 1990 with in a cquired to handle existing workload. The Office of Special Counsel, over the last half of 1988, has experienced a high rate of increase in workload (averaging nearly three clims as many charges received than in the first aix months) workload has acceeded the 1988 and 1989 staffing levels, which have remained unchanged since establishment of the program. At the 1990 base level, gull and effective and 1989 staffing levels, which have remained unchanged since establishment of the program. Not additional recount and important of independent investigations of charges filed with the Office of Special Counsel in a timely and thorough manner. Finally, even with this increase, the program will nevertheless be compelled to severally restrict investigations and storough manner. Finally even mush the seaurces to the public outreach effect. Yet, as presently attaffed, the Office will be presented to restrained increase in workload relating to charges alone.

Office of Special Counsel for Immigration Related Unfair Employment Practices Salaries and Expenses, General Legal Activities Financial Analysis - Program Changes (Dollars in thousands)

	To	Total
	Pos.	Amount
Grades GS-15 GS-9 GS-6		857 24 18
Total positions and annual rate	-1.3	66 1
Total workyears and personnel compensation Personnel benefits Travel and transportation of persons Transportation of things. GSA rent Communications, utilities, and other rent Other services Supplies and materials Rquipment.	N	
Total program workyears & obligations,	2	\$90

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Special Counsel for Immigration Related Unfair Employment Practices

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Salaries and Expenses, General Legal Activities

Detail of Permanent Positions by Category Fiscal Years 1988 - 1990

			1990	
	1988	1989	Program	
Category	Authorized	Authorized	Increases Total	Total
Attorneys (905)	15	15	-	16
Paralegal Specialists (950)	y	•	-	so
Services (300-399)	6	11	-	12
Total	30	30	m	33
Washington	30	30	e e	33

in Marie de

Civil Richts Division
Aniaries and expenses, General Legal Activities
Explanantal Patimate, Fiscal Year 1989

Table of Contents

Item
Appropriation larguage Sheet and Authorization Requirements
Susmary of Requirements
Justification of Requirements
Financial Aralysis

DEPARTMENT OF JUSTICE

civil Rights Division

Salaries and expenses, General Legal Activities

For an additional amount for "Salaries and expenses, General Legal Activities", \$2,100,000, to remain evailable until expended.

Explanation of Recuest

Supplemental funding would provide the civil Rights Division with the administrative costs associated with carrying out the Attorney General's responsibilities set out in Title I, Civil Liberties Act of 1988 (P.L. 100-383), signed August 10, 1988.

Authorization Requirements

The 1989 Appropriations Act was enacted on October 1, 1988. The amount authorized for this Division was \$25,656,000. With the exception of the administrative costs associated with P.L. 100-383, signed August 10, 1988, as described above, no additional authorization is required. The Civil Liberties Act authorizes the appropriation of funds to enable the Attorney General to locate and identify individuals eligible for reparation under Title I of the Act, however, it specifically prohibits the use of the Civil Liberties Public Education Fund for administrative costs incurred by the Division in meeting these responsibilities.

Civil Rights Division Salaries and expenses, General Lecal Activities

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	1969 Presently Available	_		1969 Navised Estimated			1969 Proposed Sucolements	Ital	
Omparison by activities	20 10 10 10 10 10 10 10 10 10 10 10 10 10	Ħ	Amount	E S	Ħ	Amount		Ħ	Amount
Civil rights metters	80	187	\$25,656	425	A	\$27.756	25	9	\$2,100
	ş	į	757 26	424	Į	27.756	8	ដ	2,100

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DEPARTMENT OF JUSTICE

Lecal Activities

Civil Rights Division

Salarine and expenses. General Lacal Activities

Ification of Requirement

	Present!	>-		1969 Revised	9		1969 Proposed Surpless	ıtel	
Comparison by Activities and Promes	Pari.	×	Amount	N N	¥	Asiant	78. 18. 1	X	Amount
Civil rights matterns	:	1			ę	•	į	;	:
Pederal appellate activity	77	3 :	\$2,038	7 4	3 5	2,872	: :		:
Civil rights prosecution	ů ř	‡ ?	2,672	9 IC	3 2	2,582	: :	:	:
Total statement	3	: 3	3,703	3	3	3,703	:	:	:
Best Chart 14tication	3	3	3,941	3	ŝ	3,941	:	:	:
Confination and rantage.	2	3	2.528	8	37	2,528	:	:	:
Menting and civil antercoment.	33	ដ	2,135	2	16	2,135	:	:	:
Wheatigmal concertmition.	1	78	2.006	31	58	2,006	:	:	:
Management and Administration	2	8	3,851	79	'n	5.951	75	4	2,100
Total Bequirements	9	381	25,656	425	394	27,756	72	ន	2,100

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	1969 Presently Available	2.9		1989 Revised Estimates			1989 Proposed Supplemental	Tea Tea	
ansymmet and Administration	Por i	되	Amount	Perm.	翼	Amount	Perm. Ros.		Assunt
Becutive Direction	:	8	3	•	1		i	:	
COLUMN SUPPORT	ĸ	8	108/54	ā	8	\$3,851	ភ	2	43,851
Regress Administration	7	4	4	a	4	2,100	21	7	\$2,100
Total	ភ	8	\$3,851	5	7	\$5,951	2	7	\$5,951

The Civil Rights Division requests 25 positions, 13 workyears and \$2,100,000 to meet its responsibilities under the Civil Liberties Act of 1988. This legislation admonstration at provides and provides for restitution to U.S. Citizens and permanent resident aliens of Japanese ancestry and Aleut residents of the Aleutian Islands and Pribilof Islands who were interned or suffered injustices and unrescrable hardships during World War II.

The legislation charges the Department with responsibility for the parton and restitution provisions affecting those aligible individuals of Japanese ancestry. The Attorney General placed responsibility for the restitution provisions of this legislation with the civil Rights Division.

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This supplemental request will provide the civil Rights Division with adequate resources to establish the Office of Redress Administration, to develop and publish implementing regulations governing sligibility and the administrative operation of the redress program, to begin efforts to identify potential eligibles through the use of historical records of the U.S. Government activities during the interment, and initiate a public energese companies to encourage potential eligibles to come forward.

Morkload and Programmatic Requirements

In accordance with Title I of the Act, the Civil Rights Division has been delegated the responsibility to locate and identify eligible individuals of Jepanese exceptly and provide for payment in the sum of \$20,000 to each of these individuals. It is estimated that there are exprecimentally 60,000 persons eligible for restitution payments under the Act. Any eligible individuals may notify the Attorney General that he/she is eligible and may provide appropriate documentation. A Division official has been designated by the Attorney General to be the Administrator of this program and will be responsible for receiving notification and documentation; maintaining records of such information; attain encouraging, through a public enareness campaign, each eligible individual to examt his/her current address to the Division. In startify document, or information that may be made evaliable. Pailure of the Division to identify and locate an eligible individual within 12 months does not preclude that person from ultimately receiving payment.

In the course of identification, the Division must account for and examine the records of each of the 120,000 known individuals who were intermed and determine which are living. This is to be accomplished through the use of Social Security records and vital statistics of those states having major Japanese American populations. The Division must further account for several thousand individuals who are also potentially eligible but for Wann complete records do not exist. Occurrently, the Division will contact a public outreach program to solicit names and addresses of those who are living. In conjunction with the public outreach program, the Division will solicit the support of Poderal and state agencies who have data bases containing such current information, e.g. the Social Security Aministration, the Internal Revenue Service, state divisions of motor vehicles and bureaus of vital statistics.

At later stages in the program, the Division will be required to determine the eligibility of each of the estimated 60,000 individuals still living as well as the eligibility of cartain heirs; notify those individuals of eligibility for payment; inform them of the impact of acceptance of payment on other claims against the U.S. Government; and cartify eligible cases for payment. The duties of the Division will cease when the Trust Fund is terminated.

It should be noted that the estimates presented in this supplemental are extremely modest considering the Congressional Budget Office's original estimate that the first year costs for the Department to handle this project would be between \$10,000,000 and \$15,000,000. The primary reasons why the Division's projected expenditures are significantly lower than had been articipated, are the direct result of one of handlesion's major one you are allowed. The Division's major of an expensional productivity through the development and use of information technology and management improvements. In addition, contracts for services of other federal entities as well as the private sector, who are already automated to handle them, will permit this initiative to be performed in a more comprehensive and timely manner.

Civil Rights Division
Salaries and expenses, General Legal Activities
Financial Analysis - Progress Changes
(Dollars in thousands)

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		CIVII RIGHTS MATTERS
	Red	Redress Administration
Item	38	Amount
Grades		
CS/CH-15	е	\$171
CS/CH-14	-	4
GF-13	-	7
GS-12	~	138
CS-11	91	289
CS-90	~	48
G8-7	~	6£
8.5.	~	31
Total positions and enrusal rate	នដ	806 -387
Total workyears and personnel compensation Personnel benefits	13	619
Travel and transportation of persons		7
CSA rent		282
Other rent, communications & utilities		217
Printing and reproduction		8 3
Supplies and materials.		8
Baulpment		82
Total workyears & obligations, 1989	13	\$2,100

*Distribution of the funds contained in the Budget Appendix were preliminary and are correctly reflected here.

DEPARTMENT OF JUSTICE
Legal Activities
Salaries and expenses, General Legal Activities
Program and Financing (in thousands of dollars)

15-0128-0-1-752	1989 Presently	1989 Revised	1989 Proposed
Program by activities: Direct program	Available	Estimate	Supplementa
.01 Conduct of Supreme Court			1
proceedings	4,181	4,181	
.02 General tax matters	37,543	37,543	1
.03 Criminal matters	52,830	52,830	1
.04 Claims, customs, and	32,000	00,000	
general civil matters05 Land, natural resources;	84,400	84,400	
and Indian matters	26,456	26,456	
.06 Legal opinions	2,590	2,590	
	25,656	27,756	2,100
.07 Civil rights matters	4,348	4,348	2,200
.08 Interpol		4,340	I
.09 Independent counsel	•••	•••	
.10 Legal activities office	4,726	4 726	
automation	4,720	4,726	
.11 Special counsel for discrimination	2,064	2,064	
.91 Total direct program.	244,794	246,894	2,100
Reimbursable program	30,618	30,618	1 -/
Reimbursable program	30,010	30,616	
10. Total obligations	275,412	277,512	2,100
Financing:			
Offsetting collections from			
11. Federal funds	-30,618	-30,618	1
21.40 Unobligated balance,			
	-2,817	-2,817	
startof year	-2,017	-2,017	
24.40 Unobligated balence, end	2 222	2 017	
of year	2,817	2,817	
39.00 Budget authority	244,794	246,894	2,100
40.00 Appropriation	244,794	244,794	
41.00 Transferred from other	·	_	į.
accounts	•••	2,100	2,100
43.00 Appropriation(adjusted)	244,794	246,894	2,100
71.00 Obligations incurred, net	244,794	246,894	2,100
72.40 Obligated balance, start	,		1 -,
of year	12,990	12,990	
74.40 Obligated balance, end	,		I
of year	-31,061	-31,334	273
or Aggr	-21,001	02,004	1 -75
90.00 Outlays	226,723	228,550	1,827
90.00 Outlays	220,123	220,000	1 2,02,

STANDARD FORM 304 buty 1004, Burnes of the Bridger Creater No. A-II, Berned.

(DEPARTMENT OF JUSTICE Legal Activities Salaries and expenses, General Legal Activities Object Classification (in thousands of dollars)

15-0128-0-1-752	1989 Presently	1989 Revised	. 1989 Proposed
Personnel compensation:	Available	Estimate	Supplemental
1.1 Full-time permanent	117,440	59	419
1.3 Other than full-time permanent	3,865	3,865	
1.5 Other personnel compensation	1,331	1,331	
1.8 Special personal services payments	1,326	1,326	
1.9 Total personnel		1.04.00	419
compensation	123,962	124,381	419
2.1 Civilian personnel benefits	20,501	20,606	105
3.0 Benefits for former	20,301	20,000	1
personnel	72	72	
1.0 Travel and transportation	/ ·	1	
of persons	9.204	9,248	44
2.0 Transportation of things.	1,125	1,125	
3.1 Rental payments to GSA	28,071	28,353	282
3.3 Communications, utilities		1	
and misc. charges	18,884	19,101	217
4.0 Printing and reproduc-		1	1
tion	1,953	1,981	28
5.0 Other services	33,357	34,221	864
6.0 Supplies and materials	2,211	2,267	56
1.0 Equipment	4,574	4,659	85
1.0 Grants	860	860	1
2.0 Insurance claims and		1	
indemnities	20	20	
9.0 Direct obligations	244,794	246,894	2,100
9.0 Reimbursable obligations.	30,618	30,618	
9.9 Total obligations	275,412	277,512	2,100

HAROLD G. CHRISTENSEN

Mr. Early. The Committee is pleased to welcome, for his first appearance, Deputy Attorney General Harold G. Christensen. We will insert your biography in the record at this point, and then you may proceed with your statement in your own manner.

[The biography of Mr. Christensen follows:]

BIOGRAPHY OF HAROLD G. CHRISTENSEN

Harold G. Christensen was confirmed by Congress as Deputy Attorney General of the United States October 4, 1988.

Mr. Christensen was formerly Chairman of the Board of Snow, Christensen & Martineau, a prominent Salt Lake City, Utah law firm which he joined in 1953.

He has been affiliated with the following associations: the Salt Lake County Bar Association (President, 1972-73), the American Bar Association, the Utah State Bar (President, (1975-76), the American College of Trial Lawyers (Utah State Chairman, 1986-87), the American Bar Foundation, the Federation of Insurance Counsel, the Utah Bar Foundation, the American Inn of Court I (Charter President), and the American Inns of Court Foundation

American Inns of Court Foundation.

American Inns of Court Foundation.

He has served as chairman of the following committees: the Committee for Rules of Civil Practice for the District of Utah, the Joint Committee of the American Bar Association and the Utah State Bar which published "Appellate Advocacy Handbook for the Utah Supreme Court", the committee of the Utah State Bar which drafted Utah's prepaid legal service plan, the committee of the Utah State Bar which drafted Utah's Lawyer Advertising Program, the Committee on Election of the President of the Utah State Bar, the Institutional Review Committee of the Utah State Bar, the Usah State Bar, the Institutional Review Committee of the Utah State Bar, the Usah State Bar, the Usah State Bar, the Usah Institutional Review Committee of the Utah State Bar, the Usah Salt Lake City Committee (1987–88). He served as a member of the Ad Hoc Committee of the Judicial Conference of the United States on American Inns of Court, the Salt Lake City cial Conference of the United States on American Inns of Court, the Salt Lake City Historic Landmark Committee (1987-88), and the Judicial Compensation Committee

He has had several articles published and has participated regularly as a speaker and lecturer at legal seminars and conferences. He has received some of the highest honors presented by the Utah State Bar, including its Lawyer of the Year Award in 1984. He is listed in "Who's Who in the World 1985 and The Best Lawyers in America," by Steven Naifeh and Gregory White Smith; Seaview/Putnam 1983, and Woodward/White 1987.

He is a graduate of the University of Utah (A.R. 1949) and the University of

He is a graduate of the University of Utah, (A.B. 1949) and the University of Michigan (J.D. 1951) where he was associate editor of the Law Review. He was admitted to the Utah State Bar in 1952, and subsequently to the Tenth Circuit Court

of Appeals and the United States Supreme Court.

Mr. Christensen is married to Jacquita Corry, former Assistant Dean, University of Utah, College of Law, and has 3 children. He and his wife presently reside in

Washington, D.C.

OPENING STATEMENT

Mr. Christensen. Thank you, Representative Early. I'm pleased to appear before you in support of the 1990 budget request for the General Legal Activities Appropriation. I would like to express my appreciation for the support that this subcommittee has consistently given the Department. Your efforts on our behalf are critical to the success of the Department's law enforcement and litigation mission, for without your understanding and continued commitment, we would find our tasks difficult, if not impossible.

Joining me at the witness table is James P. Turner, Acting As-

sistant Attorney General of the Civil Rights Division. Also with me today are the Assistant Attorneys General and heads of the offices that make up the various components of the General Legal Activities account. We're here to answer your questions.

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I would like to, in the interest of time, shorten my remarks, but would also ask that the written statement that has been filed with the subcommittee, be made part of the record of these proceedings.

Mr. EARLY. We'll include your statement in its entirety in the

record.

Mr. Christensen. Thank you. Mr. Early. Mr. Christensen, I would like you to identify every-

one you have with you at the table.

Mr. Christensen. Yes sir, I will. James Knapp, the Assistant Attorney General represents the Tax Division. I have Ed Dennis, the Assistant Attorney General representing the Criminal Division; Stuart Schiffer, representing the Civil Division; Donald Carr, representing the Land and Natural Resources Division; James P. Turner, Civil Rights Division; Richard Steiner, INTERPOL—United States National Central Bureau; Lawrence Siskind, he's Special Counsel for the Immigration Related Unfair Employment Practices; Mike Roper, he's the Deputy Assistant Attorney General, Controller; Steve Colgate, Deputy Assistant Attorney General, Information and Administrative Services; and Adrian Curtis of the Budget Staff.

Mr. Early. And they're all lawyers, Mr. Christensen?

Mr. Christensen. No sir, they are not. Mr. Roper is not a lawyer, and Adrian Curtis is not a lawyer. Mr. Flickinger, I don't believe is here. And Mr. Steiner is not a lawyer.

Mr. Early. Fine, thank you.

Mr. Christensen. The components of the General Legal Activities Appropriation, together with the United States Attorneys and the Antitrust Division from whom you will receive testimony later, represent the core of the litigative and prosecutorial functions of the Department of Justice. Every day, attorneys from these organizations are in courtrooms around the country bringing criminals to justice. The Department has done an impressive job in this role. In the fiscal year ending September 30, 1988, the Department pros-ecuted 33,614 criminal cases and litigated 123,280 civil cases. In fiscal year 1989, we expect to prosecute in excess of 39,000 criminal cases and to litigate over 124,000 civil cases. And we are projecting the prosecution of more than 43,000 criminal cases, and the litigation of nearly 130,000 civil cases in the next fiscal year. These figures include the workload of the United States Attorneys.

Despite the fact that the General Legal Activities Appropriation components have not received program enhancements in our regular appropriation requests for the past two years, we have attempted to meet our responsibilities, to prosecute criminal offenses, to protect the Treasury from the thousands of monetary claims filed each year, to recover money due to the United States, and to enforce key Federal programs.

Before I provide the highlights of our request I would like to briefly outline the resources that will be requested in connection with the Administration's proposal to address fraud and insider abuse in our financial institutions. On February 9, President Bush announced that almost \$50 million would be requested for the Justice Department to expand prosecution efforts already underway with respect to the crisis in our financial institution industry. Given the urgency of the situation and the need to respond as

quickly as possible, a 1989 supplemental budget request for \$36.8 million will also be proposed. In addition to the U.S. Attorneys and the Federal Bureau of Investigation, two components of this appropriation will contribute to this initiative. A total of \$1.3 million in 1989, and \$3.3 million in 1990 will support 30 attorneys and 20 support positions in the Tax and Criminal Divisions to augment existing financial institution fraud prosecution efforts.

In total, we are requesting \$298,567,000 to fund 3,467 positions in the General Legal Activities Appropriation. This request represents a net increase of 188 positions and \$50,357,000 over the anticipated 1989 appropriation level. These comparisons include the resources being requested in both 1989 and 1990 to address financial institu-

tion fraud.

Permit me now, to summarize by component the program en-

hancements requested under this appropriation.

For the Tax Division, we seek litigative enhancements of 39 positions and \$1,509,000, a part of which will be used for the debt collection program which should raise an additional \$10 million for

deposit to the Treasury.

For the Criminal Division we are seeking enhancements in the areas of extradition and international legal assistance, and to process increasing numbers of foreign and U.S. extradition requests, and to respond to evidence assistance in some of the most important narcotics trafficking, fraud and violent crime cases prosecuted in this country and abroad. An increase of two positions and \$130,000 is requested to staff regional positions for the National Obscenity Enforcement Unit.

For the Civil Division the budget seeks a total of 71 positions and \$3,266,000 in litigative program enhancements to adequately address last chance, high stakes cases in the Court of Appeals, to defend increasing toxic tort and radiation claims, and the expected caseload resulting from the National Childhood Vaccine Act, to address increased contract claims and fraud workload, and to address the workload related to immigration reform, and to combat terror-

ism by barring admission of suspected terrorists.

We seek a program increase of 49 positions, and \$2,761,000 to permit the Land and Natural Resources Division to proceed with the enforcement of the Nation's environmental laws. Environmental litigation has expanded during the past several years, and will

continue to grow through 1990.

We are requesting two major 1990 program increases totaling \$11,039,000 for automated litigation support in the Civil and Lands Divisions. With this tool at their disposal, Department attorneys are able to find the essential facts buried in millions of pages of

documents and use them to the public's advantage.

We seek a program increase of \$5,686,000 for Legal Activities Office Automation to fund office automation enhancements in the Tax and Criminal Divisions and the offices of the U.S. Attorneys. These organizations are participating in a joint office automation acquisition called Project Eagle. That includes the planned nationwide network of approximately 12,000 office terminals.

The 1990 request for the United States National Central Bureau, INTERPOL, includes resource enhancements of nine positions and

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\$870,000 to staff expanded operations and to implement telecom-

munications improvements.

For the Office of Legal Counsel, the 1990 budget request includes a program enhancement of four positions and \$110,000. This will allow the office to handle increasing workload demands for legal advice and opinions, and continue with the publication of its most

noteworthy opinions.

A program increase of three positions and \$90,000 is sought for the Special Counsel for Immigration Related Unfair Employment Practices, created by the Immigration Reform and Control Act of 1986 to protect the rights of persons who might be discriminated against because of their national origin and citizenship status.

The 1990 request for the Civil Rights Division includes an en-

hancement of 41 positions and \$981,000.

The program enhancements that I have just outlined for you and the subcommittee will be offset by savings of 30 positions and \$262,000 for this appropriation, because of the ability of various components to contract for certain services now being provided by

Federal employees.

This concludes my remarks. Before we respond to any questions you or the members of the subcommittee may have, I would ask that Mr. Turner be permitted to briefly highlight the Department's request for resources to implement Section 105 of the Civil Liberties Act of 1988.

[The prepared statement of Mr. Christensen and accompanying

biographies follow:]

DEPARTMENT OF JUSTICE

GENERAL LEGAL ACTIVITIES

STATEMENT OF THE DEPUTY ATTORNEY GENERAL

HAROLD G. CHRISTENSEN

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

MR. CHAIRMAN AND NEMBERS OF THE SUBCOMMITTEE:

I AM PLEASED TO APPEAR BEFORE YOU IN SUPPORT OF THE 1990 BUDGET REQUEST FOR THE GENERAL LEGAL ACTIVITIES APPROPRIATION. I WOULD LIKE TO EXPRESS MY APPRECIATION FOR THE SUPPORT THAT THIS SUBCOMMITTEE HAS CONSISTENTLY GIVEN THE DEPARTMENT. YOUR EFFORTS ON OUR BEHALF ARE CRITICAL TO THE SUCCESS OF THE DEPARTMENT'S LAW ENFORCEMENT AND LITIGATION MISSION -- FOR WITHOUT YOUR UNDERSTANDING AND CONTINUED COMMITMENT, WE WOULD FIND OUR TASKS DIFFICULT, IF NOT IMPOSSIBLE.

MR. CHAIRMAN, I HAVE WITH ME TODAY THE SEVERAL ASSISTANT
ATTORNEYS GENERAL THAT MAKE UP THE VARIOUS COMPONENTS OF THE
GENERAL LEGAL ACTIVITIES ACCOUNT, AS WELL AS THE CHIEF OF THE
U.S. NATIONAL CENTRAL BUREAU - INTERPOL, AND THE SPECIAL COUNSEL
FOR IMMIGRATION RELATED UNFAIR EMPLOYMENT PRACTICES. WE ARE ALL
AVAILABLE TO ANSWER ANY OF YOUR QUESTIONS.

PLEASE ALLOW ME, MR. CHAIRMAN, TO SUMMARIZE THE HIGHLIGHTS OF OUR REQUEST FOR THIS APPROPRIATION.

THE COMPONENTS OF THE GENERAL LEGAL ACTIVITIES APPROPRIATION, TOGETHER WITH THE UNITED STATES ATTORNEYS AND THE ANTITRUST DIVISION FROM WHOM YOU WILL RECEIVE TESTIMONY LATER, REPRESENT THE CORE OF THE LITIGATIVE AND PROSECUTORIAL FUNCTIONS OF THE DEPARTMENT OF JUSTICE. EVERY DAY, ATTORNEYS FROM THESE DEPARTMENTAL ORGANIZATIONS ARE IN COURTROOMS AROUND THE COUNTRY STRIVING TO BRING CRIMINALS OF EVERY TYPE TO JUSTICE. I BELIEVE THAT THE DEPARTMENT HAS DONE AN IMPRESSIVE JOB IN THIS ROLE. IN THE FISCAL YEAR ENDING SEPTEMBER 30, 1988, THE DEPARTMENT PROSECUTED 33,614 CRIMINAL CASES AND LITIGATED 123,280 CIVIL CASES. IN FISCAL YEAR 1989, WE EXPECT TO PROSECUTE IN EXCESS OF 39,000 CRIMINAL CASES AND LITIGATE OVER 124,000 CIVIL CASES. AND WE DO NOT FOR ONE MOMENT EXPECT THOSE FIGURES TO DECLINE IN 1990. WE ARE PROJECTING THE PROSECUTION OF MORE THAN 43,000 CRIMINAL CASES AND THE LITIGATION OF NEARLY 130,000 CIVIL CASES IN THE COMING FISCAL YEAR. THESE FIGURES, OF COURSE, INCLUDE THE WORKLOAD OF THE UNITED STATES ATTORNEYS, OUR LARGEST LITIGATIVE COMPONENT. BUT THE SUBSTANTIAL WORK OF THE LITIGATING COMPONENTS IN THIS APPROPRIATION CANNOT BE OVERLOOKED.

MR. CHAIRMAN, AS YOU ARE WELL AWARE, THE GENERAL LEGAL ACTIVITIES APPROPRIATION COMPONENTS HAVE NOT RECEIVED PROGRAM ENHANCEMENTS IN OUR REGULAR APPROPRIATION REQUESTS FOR THE PAST TWO YEARS. IN SPITE OF THIS, WE HAVE ATTEMPTED TO MEET OUR RESPONSIBILITIES TO

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PROSECUTE CRIMINAL OFFENSES, PROTECT THE TREASURY FROM THE THOUSANDS OF MONETARY CLAIMS FILED EACH YEAR, RECOVER MONEY DUE TO THE UNITED STATES AND ENFORCE KEY FEDERAL PROGRAMS. THE 1990 REQUEST FOR THE GENERAL LEGAL ACTIVITIES APPROPRIATION WILL PERMIT THE DEPARTMENT TO MAKE GAINS IN EACH OF THESE AREAS.

IN TOTAL, WE ARE REQUESTING \$298,567,000 TO FUND 3,467 POSITIONS IN THIS APPROPRIATION. THIS REQUEST REPRESENTS A NET INCREASE OF 188 POSITIONS, AND \$50,357,000 OVER THE ANTICIPATED 1989 APPROPRIATION LEVEL. INCLUDED IN THE REQUEST ARE NET ADJUSTMENTS TO BASE OF \$24,059,000 AND PROGRAM INCREASES TOTALLING 191 POSITIONS AND \$26,298,000. I SHOULD NOTE, AT THIS POINT, SEVERAL ITEMS THAT AFFECT THESE OVERALL COMPARATIVE FIGURES.

FINANCIAL INSTITUTION CRISIS

MR. CHAIRMAN, ON FEBRUARY 9, PRESIDENT BUSH ANNOUNCED THAT ALMOST \$50 MILLION WOULD BE REQUESTED FOR THE JUSTICE DEPARTMENT TO EXPAND PROSECUTION EFFORTS ALREADY UNDERWAY WITH RESPECT TO THE CRISIS IN OUR FINANCIAL INSTITUTION INDUSTRY. OUR 1990 BUDGET REQUEST WILL BE INCREASED BY THIS AMOUNT. GIVEN THE URGENCY OF THE SITUATION AND THE NEED TO RESPOND AS QUICKLY AS POSSIBLE, A 1989 SUPPLEMENTAL BUDGET REQUEST FOR \$36.8 MILLION WILL ALSO BE PROPOSED. IN ADDITION TO THE U.S. ATTORNEYS AND FEDERAL BUREAU OF INVESTIGATION, TWO COMPONENTS OF THIS APPROPRIATION ARE SEEKING RESOURCES TO AUGMENT EXISTING FINANCIAL INSTITUTION FRAUD PROSECUTION EFFORTS.

THE TAX DIVISION'S 1989 SUPPLEMENTAL REQUEST FOR \$276,000 WILL FUND SIX ATTORNEYS AND FOUR SUPPORT POSITIONS IN THE LAST QUARTER OF 1989. WITH THE \$1,040,000 REQUESTED AS A 1989 SUPPLEMENTAL FOR THE CRIMINAL DIVISION, 24 ATTORNEYS AND 16 SUPPORT POSITIONS WILL BE BROUGHT ON TO ASSIST IN THE WORK OF THE STRIKE FORCES.

THE PRESIDENT'S BUDGET ALSO INCLUDES A 1989 SUPPLEMENTAL REQUEST FOR 25 POSITIONS AND \$2.1 MILLION IN THE CIVIL RIGHTS DIVISION TO IMPLEMENT THE CIVIL LIBERTIES ACT OF 1988. WE HAVE INCLUDED THESE RESOURCES IN OUR ANTICIPATED 1989 APPROPRIATION TOTALS.

NEXT, FOR 1990, RESOURCES TOTALLING 20 POSITIONS AND \$1,803,000
ARE TRANSFERRED TO THE NEW ORGANIZED CRIME DRUG ENFORCEMENT
APPROPRIATION, AS REQUIRED BY THE ANTI-DRUG ABUSE ACT OF 1988
(PUBLIC LAW 100-690). THE TAX AND CRIMINAL DIVISIONS HAVE BEEN
AFFECTED BY THIS TRANSFER. FINALLY, THE BUDGET AMENDMENT DEALING
WITH THE FINANCIAL INSTITUTION CRISIS WILL ADD \$3,278,000 TO THIS
APPROPRIATION TO FUND REQUESTED IN THE 1989 SUPPLEMENTAL FOR THE
ENTIRE YEAR.

WITH THOSE ITEMS NOTED, MR. CHAIRMAN, I WILL SUMMARIZE THE PROGRAM ENHANCEMENTS REQUESTED UNDER THIS APPROPRIATION.

CRIMINAL LITIGATION

FOR THE CRIMINAL DIVISION, WE ARE SEEKING ENHANCEMENTS IN TWO
AREAS. THE CRIMINAL DIVISION'S OFFICE OF INTERNATIONAL AFFAIRS
EXECUTES THE DEPARTMENT'S RESPONSIBILITIES CONCERNING

INTERNATIONAL LEGAL MATTERS RELATED TO CRIMINAL LAW ENFORCEMENT IN THE AREAS OF EXTRADITION AND INTERNATIONAL LEGAL ASSISTANCE. AN INCREASE OF THREE POSITIONS AND \$118,000 IS NEEDED TO PROCESS INCREASING NUMBERS OF FOREIGN AND U.S. EXTRADITION REQUESTS. IN ADDITION, MUTUAL LEGAL ASSISTANCE TREATIES WITH CANADA, THE BAHAMAS, AND THE CAYMEN ISLANDS ARE EXPECTED TO GREATLY EXPAND THE NUMBER OF REQUESTS FOR EVIDENCE ASSISTANCE IN SOME OF THE MOST IMPORTANT NARCOTICS TRAFFICKING, FRAUD, AND VIOLENT CRIME CASES PROSECUTED IN THIS COUNTRY AND ABROAD. NEGOTIATIONS ON ASSISTANCE TREATIES WITH THREE MORE COUNTRIES ARE EXPECTED TO BE COMPLETE BY 1990, FURTHER AFFECTING WORKLOAD IN THIS AREA. AN INCREASE OF TWO POSITIONS AND \$130,000 IS REQUESTED TO STAFF REGIONAL POSITIONS FOR THE NATIONAL OBSCENITY ENFORCEMENT UNIT. THESE ADDITIONAL POSITIONS WILL PERMIT THE UNIT TO MEET COMMITMENTS TO CO-COUNSEL CASES IN LITIGATION AND TO SUPPORT INVESTIGATIONS INITIATED BY THE FEDERAL BUREAU OF INVESTIGATION, U.S. POSTAL SERVICE, U.S. CUSTOMS SERVICE, AND THE INTERNAL REVENUE SERVICE.

CIVIL LITIGATION

FOR 1990 WE ARE REQUESTING SUBSTANTIAL RESOURCE ENHANCEMENTS TO ENABLE THE COMPONENTS OF THIS APPROPRIATION TO CONTINUE OUR CIVIL LITIGATION PROGRAM ON SEVERAL FRONTS.

FOR THE TAX DIVISION, OUR BUDGET INCLUDES INCREASES CRITICAL TO EFFECTIVE TAX LAW ENFORCEMENT. IN A PERIOD OF AUSTERITY, IT IS

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IMPORTANT TO NOTE THE REVENUE GENERATING POTENTIAL ASSOCIATED WITH THE RESOURCES REQUESTED TO ENABLE THIS DIVISION TO MEET ITS RESPONSIBILITIES. IN 1987, FOR EVERY DOLLAR EXPENDED BY THIS DIVISION IN PURSUING MONETARY CLAIMS, \$73 IN JUDGMENTS OR CONCESSIONS WAS OBTAINED. FOR EVERY DOLLAR SPENT THAT YEAR IN DEFENSE OF CLAIMS, THE GOVERNMENT AVOIDED \$290 IN POTENTIAL LIABILITIES. OUR RETURN ON INVESTMENT IN EFFORTS TO HALT TAX SHELTER ACTIVITIES WAS \$348 TO \$1. IN ADDITION, 1988 DEBT COLLECTION ACTIVITIES RESULTED IN OBTAINING ALMOST \$42 MILLION IN ADDITIONAL REVENUES FOR THE FEDERAL TREASURY. TO CONTINUE AND EXPAND THESE EFFORTS, WE SEEK LITIGATIVE ENHANCEMENTS OF 31 POSITIONS AND \$1,275,000. THESE RESOURCES WILL ALLOW THE TAX DIVISION TO IMPLEMENT A MAJOR CASE INITIATIVE IN CONJUNCTION WITH THE INTERNAL REVENUE SERVICE (IRS), ADDRESS WORKLOAD GENERATED BY TAX REFORM AND EXPANDED IRS ENFORCEMENT, RESPOND TO INCREASED APPELLATE ACTIVITY, AND IMPROVE THE DEBT COLLECTION PROGRAM. FOR DEBT COLLECTION ALONE, IT IS ESTIMATED THAT AN ADDITIONAL \$10 MILLION WILL BE DEPOSITED IN THE TREASURY AS A RESULT OF THESE ENHANCEMENTS, FOR A TOTAL 1990 ESTIMATE OF \$52 MILLION. WE SEEK A PROGRAM INCREASE OF 49 POSITIONS AND \$1,961,000 TO PERMIT THE LAND AND NATURAL RESOURCES DIVISION TO PROCEED WITH THE ENFORCEMENT OF THE NATION'S ENVIRONMENTAL LAWS. THE PRESIDENT'S AGGRESSIVE PROGRAM TO PROTECT THE ENVIRONMENT INCLUDES A SERIES OF MEASURES THAT WILL INFLUENCE THE WORK OF THIS DIVISION, INCLUDING REAUTHORIZATION OF THE CLEAN AIR ACT, NEW PENALTIES AGAINST OCEAN DUMPING, AND A REINVIGORATED

REQUIRED TO DEFEND INCREASING TOXIC TORTS AND RADIATION CLAIMS, AND THE EXPECTED CASELOAD RESULTING FROM THE NATIONAL CHILDHOOD VACCINE ACT. IN THE AREA OF COMMERCIAL LITIGATION, AN INCREASE OF 19 POSITIONS AND \$1,145,000 IS NEEDED TO ADDRESS INCREASED CONTRACT CLAIMS AND FRAUD WORKLOAD. FINALLY, IN THE IMMIGRATION LITIGATION PROGRAM, AN INCREASE OF SIX POSITIONS AND \$233,000 IS TARGETED FOR TWO AREAS. FOUR POSITIONS WILL FOCUS EFFORTS ON FILING OF ACTIONS AGAINST EMPLOYERS WHO HIRE ILLEGAL ALIENS AND THE DEFENSE OF EMPLOYER SANCTIONS PROVISIONS OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986. THE REMAINING TWO POSITIONS ARE NEEDED TO PURSUE INCREASED LITIGATION INTENDED TO COMBAT TERRORISM BY BARRING ADMISSION OF SUSPECTED TERRORISTS.

WE ARE REQUESTING TWO MAJOR 1990 PROGRAM INCREASES TOTALLING \$11,039,000 FOR AUTOMATED LITIGATION SUPPORT (ALS) IN THE CIVIL AND LANDS DIVISIONS. WITH THIS TOOL AT THEIR DISPOSAL, DEPARTMENT ATTORNEYS ARE ABLE TO FIND THE ESSENTIAL FACTS BURIED IN MILLIONS OF PAGES OF DOCUMENTS AND USE THEM TO THE PUBLIC'S ADVANTAGE. OF THE AMOUNT REQUESTED, \$6,289,000 IS FOR MAJOR CASES IN THE CIVIL DIVISION INVOLVING RADIATION AND TOXIC TORTS LITIGATION, AVIATION DISASTER CLAIMS, CONTRACT CLAIMS, FRAUD, STEROID LITIGATION, AND MARIEL CUBAN LITIGATION. THE REMAINING \$4,750,000 IS NEEDED FOR ALS IN THE LANDS DIVISION TO SUPPORT FEDERAL FACILITY COMPLIANCE CASES AND INCREASINGLY COMPLEX LITIGATION INVOLVING THE FEDERAL LAND AND FOREST MANAGEMENT. THE POTENTIAL ADVERSE CONSEQUENCES TO THE TREASURY OF FAILURE TO

SUPERFUND PROGRAM WITH EXPANDED PENALTIES. ENVIRONMENTAL
LITIGATION HAS EXPANDED DURING THE PAST SEVERAL YEARS AND WILL
CONTINUE TO GROW THROUGH 1990. THIS IS DUE, IN PART, TO RECENT
RE-AUTHORIZATION OR AMENDMENT OF THE CLEAN WATER ACT, THE SAFE
DRINKING WATER ACT, AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE
AND COMPENSATION LIABILITY ACT. NEW AND EXPANDED CRIMINAL
SANCTIONS PROVIDED UNDER THESE LEGISLATIVE ACTIONS, PLUS
INCREASED REFERRALS FROM FEDERAL AGENCIES, WILL ALSO ADD TO THE
CONTINUALLY INCREASING ENVIRONMENTAL CASELOAD. IN ADDITION, THIS
DIVISION FACES INCREASED ACTIVITY RELATED TO JUDICIAL REVIEW
UNDER THE NATIONAL FOREST MANAGEMENT ACT WHERE AFFECTED TIMBER
REVENUE EXCEEDS \$1 BILLION. THE REQUESTED ENHANCEMENTS WILL ALSO
ALLOW FOR ADDITIONAL ADMINISTRATIVE SUPPORT CRITICAL TO THE
DIVISION'S LITIGATING PROGRAMS.

THE PRESIDENT'S BUDGET SEEKS A TOTAL OF 71 POSITIONS AND \$3,266,000 IN LITIGATIVE PROGRAM ENHANCEMENTS FOR THE PROGRAMS OF THE CIVIL DIVISION. AN INCREASE OF SIX POSITIONS AND \$227,000 IS NEEDED TO ADEQUATELY ADDRESS LAST-CHANCE, HIGH-STAKES CASES IN THE COURT OF APPEALS. THE INCENTIVE TO APPEAL HAS INCREASED MARKEDLY AS THE FINANCIAL STAKES HAVE GROWN. BY 1990, THE AMOUNT AT RISK IN APPELLATE MATTERS IS EXPECTED TO CLIMB TO \$37 BILLION. THIS MODEST INCREASE WILL ALLOW THE DIVISION TO CONTINUE HANDLING IMPORTANT CASES INSTEAD OF BEING FORCED TO REFER SUCH MATTERS TO AGENCY ATTORNEYS WITH MINIMAL APPELLATE EXPERIENCE. IN THE TORTS LITIGATION PROGRAM, AN INCREASE OF 40 POSITIONS AND \$1,661,000 IS

IN 1988, THIS OFFICE RECEIVED 276 CHARGES OF DISCRIMINATION, OVER TEN TIMES THE NUMBER RECEIVED IN 1987; IN THE FIRST THREE MONTHS OF 1989, THE PROGRAM HAS ALREADY RECEIVED 105 CHARGES. IN 1988, THE PROGRAM FILED 11 COMPLAINTS, NEGOTIATED 33 FORMAL SETTLEMENTS, AND RESOLVED OVER 300 INDEPENDENT INVESTIGATIONS. THE REQUESTED ENHANCEMENTS WILL PERMIT THE OFFICE TO RESPOND TO THIS WORKLOAD INCREASE AND CONTINUE ITS PUBLIC EDUCATION PROGRAM.

FOR THE OFFICE OF LEGAL COUNSEL, THE 1990 BUDGET REQUEST INCLUDES A PROGRAM ENHANCEMENT OF 4 POSITIONS AND \$110,000. THIS WILL ALLOW THE OFFICE TO HANDLE INCREASING WORKLOAD DEMANDS FOR LEGAL ADVICE AND OPINIONS, AND CONTINUE WITH THE PUBLICATION OF ITS MOST NOTEWORTHY OPINIONS.

LAW ENFORCEMENT (USNCB-INTERPOL)

THE GENERAL LEGAL ACTIVITIES APPROPRIATION ALSO INCLUDES ONE COMPONENT, THE U.S. NATIONAL CENTRAL BUREAU-INTERPOL (USNCB) WHICH IS INVOLVED IN DIRECT LAW ENFORCEMENT ACTIVITY RATHER THAN PROSECUTIONS OR LITIGATION. THE USNCB SERVES AS THE UNITED STATES' LIAISON WITH INTERPOL, WHICH IS HEADQUARTERED IN PARIS, AND IS THE PRINCIPAL LINK BETWEEN INTERPOL HEADQUARTERS, OTHER NATIONAL CENTRAL BUREAUS AND U.S. LAW ENFORCEMENT AGENCIES. THE 1990 REQUEST FOR INTERPOL-USNCB CONSISTS OF RESOURCE ENHANCEMENTS OF NINE POSITIONS AND \$870,000 TO ADEQUATELY STAFF EXPANDED OPERATIONS AND TO

USE ALS TO ITS FULLEST CAN BE MEASURED IN LOSSES AMOUNTING TO BILLIONS OF DOLLARS.

LEGAL ACTIVITIES OFFICE AUTOMATION

WE SEEK A PROGRAM INCREASE OF \$5,686,000 FOR LEGAL ACTIVITIES OFFICE AUTOMATION TO FUND OFFICE AUTOMATION ENHANCEMENTS IN THE TAX AND CRIMINAL DIVISIONS AND OFFICES OF THE U.S. ATTORNEYS. THESE ORGANIZATIONS ARE PARTICIPATING IN A JOINT OFFICE AUTOMATION ACQUISITION THAT INCLUDES A PLANNED NATIONWIDE NETWORK OF APPROXIMATELY 12,000 OFFICE TERMINALS. THE CONTRACT UNDER THIS ACQUISITION, CALLED PROJECT EAGLE, WILL BE AWARDED IN MAY OR JUNE, AND WILL RESULT IN A SYSTEM WHICH WILL BE DOCUMENT COMPATIBLE WITH EXISTING SYSTEMS WITHIN THE DEPARTMENT OF JUSTICE. IT IS IMPERATIVE THAT THE DEPARTMENT BE ABLE TO PROCEED WITH ITS AUTOMATION PLANS NOT ONLY IN ITS AUTOMATED LITIGATION SUPPORT PROGRAMS, BUT ALSO IN THE OFFICE AUTOMATION AREA.

A PROGRAM INCREASE OF 3 POSITIONS AND \$90,000 IS SOUGHT FOR THE SPECIAL COUNSEL FOR IMMIGRATION RELATED UNFAIR EMPLOYMENT PRACTICES, CREATED BY THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA) TO PROTECT THE RIGHTS OF PERSONS WHO MIGHT BE DISCRIMINATED AGAINST BECAUSE OF THEIR NATIONAL ORIGIN AND CITIZENSHIP STATUS. THROUGH A COMBINATION OF EFFORTS, THIS OFFICE IS IDENTIFYING AND INVESTIGATING BOTH SMALL AND LARGE EMPLOYERS WHO ARE SUSPECTED OF BEING IN VIOLATION OF THE LAW.

IMPLEMENT TELECOMMUNICATIONS IMPROVEMENTS. THE ABILITY TO COMMUNICATE WITH OTHER INTERPOL MEMBER COUNTRIES -- WHICH NUMBER OVER 140--AND WITH DOMESTIC LAW ENFORCEMENT AGENCIES IS ESSENTIAL IN ATTACKING INTERNATIONAL CRIMINAL ACTIVITY. A TOTAL OF \$787,000 OF THE REQUESTED ENHANCEMENTS WILL PERMIT REPLACEMENT AND MODERNIZATION OF ESSENTIAL TELECOMMUNICATIONS EQUIPMENT AND FUND THREE POSITIONS. IN AN INTERNAL AUDIT CONDUCTED BY THE DEPARTMENT'S AUDIT STAFF, THE LACK OF A FORMAL CASE REVIEW DURING THE INVESTIGATIVE PROCESS WAS CITED AS A SERIOUS DEFICIENCY. WITH NO DATA OR PROCESSING CHECKPOINTS, THE POTENTIAL EXISTS FOR CRITICAL INFORMATION TO BE LOST OR INVESTIGATIONS TO BE MISHANDLED THAT COULD RESULT IN PRIVACY ACT VIOLATIONS. THESE CONTROLS ARE CRITICAL BECAUSE OF THE POSSIBILITY THAT INFORMATION PROVIDED ON A FOREIGN WARRANT COULD RESULT IN THE VIOLATION OF AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS. AN ENHANCEMENT OF FIVE POSITIONS AND \$60,000 WILL PERMIT THE INITIATION OF NECESSARY PROCESSING CHECKS. FINALLY, ONE POSITION AND \$23,000 WILL PERMIT EXPANDED UTILIZATION OF THE INTERNATIONAL WANTED (RED) NOTICE PROGRAM BY USNCB. THIS PROGRAM PROVIDES MEMBER COUNTRIES WITH A VEHICLE TO DISSEMINATE INFORMATION WORLDWIDE ON FUGITIVES SUSPECTED OF CROSSING BORDERS TO AVOID APPREHENSION. LACK OF MANPOWER HAS RESULTED IN USNCB ISSUING RED NOTICES ON LESS THAN ONE PERCENT OF THE CRIMINALS SUSPECTED OF FLEEING THE UNITED STATES.

CIVIL LIBERTIES ACT IMPLEMENTATION

THE 1990 REQUEST FOR THE CIVIL RIGHTS DIVISION INCLUDES AN ENHANCEMENT OF 40 POSITIONS AND \$972,000 FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH IMPLEMENTATION OF THE CIVIL LIBERTIES ACT OF 1988. THE DIVISION HAS CREATED AN OFFICE OF REDRESS ADMINISTRATION THAT HAS UNDERTAKEN THE JOB OF IDENTIFYING AND LOCATING A POTENTIAL 60,000 INDIVIDUALS WHO ARE ELIGIBLE FOR REDRESS PAYMENTS UNDER THE ACT. I MENTIONED AT THE BEGINNING OF MY STATEMENT THAT THE PRESIDENT'S BUDGET ALSO INCLUDES A 1989 SUPPLEMENTAL FOR THIS PURPOSE. YOU WILL RECEIVE TESTIMONY LATER TODAY ON THE REQUEST FOR RESOURCES TO BEGIN MAKING ONE-TIME PAYMENTS OF \$20,000 TO EACH ELIGIBLE INDIVIDUAL. THE RESOURCES REQUESTED IN BOTH 1989 AND 1990 IN THE CIVIL RIGHTS DIVISION ARE TO BE DEVOTED TO TACKLING THE MASSIVE ADMINISTRATIVE EFFORT NECESSARY BEFORE THESE PAYMENTS CAN BEGIN.

MANAGEMENT AND PRODUCTIVITY SAVINGS

MR. CHAIRMAN, THE PROGRAM ENHANCEMENTS I HAVE JUST OUTLINED FOR YOU AND THE COMMITTEE WILL BE OFFSET BY SAVINGS OF 30 POSITIONS AND \$262,000 FOR THIS APPROPRIATION. THIS IS POSSIBLE BECAUSE OF THE ABILITY OF THE VARIOUS COMPONENTS TO CONTRACT FOR CERTAIN SERVICES NOW BEING PROVIDED BY FEDERAL EMPLOYEES.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU OR THE OTHER MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

BIOGRAPHY OF DONALD A. CARR

Donald A. Carr is Acting Assistant Attorney General for the Land and Natural Resources Division, Department of Justice. He is the interim head of the Department's activities concerning the environment, natural resources, land management and Indian affairs. From 1987 to 1988 he was the Counselor to the Assistant Attorney General. In that capacity, he worked on litigation and policy issues across the spectrum of environment law, from hazardous waste and air pollution to clean water and wetlands, biotechnology, pesticides, continental shelf, coastal zone reclamation and federal land management with an emphasis on enforcement priorities and strategies. From 1983 to 1988, Mr. Carr also held the position of Chief of the Wildlife and Marine Resources Section supervising a staff of attorneys in civil and criminal litigation relating to the use and protection of living resources, especially the conservation of endangered species. Mr. Carr previously served as a Senior Staff Attorney responsible for varied environmental litigation, centering on fisheries regulation, oil, gas and alternative energy, law of the sea, and submerged lands matters.

From 1974 to 1979, Mr. Carr was a litigator with the Washington D.C. law firm of

Rhyne and Rhyne.

Mr. Carr obtained his law degree, with honors, from the George Washington University National Law Center in 1974. He received his B.A., in government, from Cornell University in 1970.

Mr. Carr is married, has two children and resides in Vienna, Virginia.

CIVIL LIBERTIES ACT IMPLEMENTATION

Mr. EARLY. Fine.

Mr. Turner. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I appreciate both your interest in the Redress Program, and the opportunity to be here to talk with about it. In support of our request for a \$2.1 million supplement for the current fiscal year, and \$3.5 million for 1990, I would like to briefly discuss our activities to date and our

plans for the near future.

Section 105 of the Civil Liberties Act of 1988 contains the restitution provisions, and directs that they be carried out by the Attorney General. Briefly, the section authorizes a payment, free of Federal taxes, in the amount of \$20,000 to each of the estimated 60,000 Japanese Americans, now surviving, who were interned, evacuated, or relocated during World War II. These payments are to be made in order of age, beginning with the oldest. In the event an eligible individual has died, the payment goes to the surviving spouse; if there is no spouse, equally to surviving children; if there is no spouse or children, to a surviving parent. Finally, if there are no such relatives, the payment remains in the fund. The toughest part, administratively, is the statutory requirement that the Attorney General must locate all of the eligibles without requiring any form of application. Public Law 100-383 was signed by the President on August 10th of last year, and shortly thereafter, on September 7, the Attorney General delegated his responsibilities under Section 105 to the Civil Rights Division, and we, in turn, established the Office of Redress Administration, frequently called ORA.

I have with me today, and would like to introduce to the committee, Mr. Robert Bratt, who is the Administrator of Redress under

this program. He's over in the first row.

The last six months have been busy ones under this program. We began by setting out a three-phase implementation plan. Phase one is Identification and Location, phase two, Verification and Notifica-

tion, and phase three is Payment. Phase one is underway, and I be-

lieve, achieving good results.

As a foundation for identifying eligible individuals, we created computer tapes of historic records, primary among them camp rosters that were made in large ledger books prepared by the War Relocation Authority at the time the Relocation Centers were closing. They are now maintained in the National Archives. They list residents, camp-by-camp, with personal identifying information, such as name, date of birth, sex and family number. We selected certain data elements to include in our tapes so that we could compare the

historic information with the current automated records.

Last month, we received promising results of this process from the Social Security Administration. After the first run, the Social Security people were able to provide current social security numbers for 53,821 people, 17,000 of those with current addresses. This is just the first run, so those numbers may slightly go up. And now that we have the social security numbers, we can also start working with the Internal Revenue Service. They will not, and cannot divulge the address information to us, but they have agreed to, and are in the process of forwarding letters to the people whose names we have identified from the taxpayer records. California has also provided computer tapes, and we are negotiating with nine other States that have significant Japanese-American populations.

Perhaps our biggest success has been in collecting information directly from recipients, or potential recipients. As I said earlier, the law prohibits any mandatory application, but does permit us to accept information submitted voluntarily. Twelve days after the Attorney General delegated responsibility to us, we installed toll-free telephone lines, established a post office box, and engaged a

bilingual staff of contract employees.

The initial reaction was a little bit interesting and ironic. We interpreted the law quite literally, and asked the contacts just to call or write us. But the public was extremely uncomfortable, and a little bit suspicious of a government program that had no forms—a comment on our bureaucracy, I suppose. Anyway, we yielded to the public demand, and in October developed a form which is widely distributed now, called a Voluntary Information Form.

Mr. EARLY. Why don't you supply a copy of that form for inclu-

sion in the record at this point, please?

Mr. TURNER. I would be glad to, sir.

[The information follows:]

U.S. Department of Justice Civil Rights Division Office of Redress Administration

Civil Liberties Act of 1988 Voluntary Information Form

OMB Approval #1190-0800 Expires 12/31/90

Your support is needed to locate persons of Japanese ancestry who were confined, held in custody, relocated, or otherwise deprived of liberty or property during World War II. The submission of information is entirely voluntary. However, any of the information below will be of assistance in locating those individuals who may be eligible to receive compensation under the Civil Liberties Act of 1988. If you cannot fully answer all of the questions, partial information is also helpful. Failure to use this form will in no way impact any claim under this program. Form use is merely to standarize data.

IMPORTANT: You may complete this form if you believe yourself to be eligible for payment under the Act or you may complete this form to help locate another individual who may be eligible to receive payment.

SECTION A - CURRENT DATA ON POTENTIALLY ELIGIBLE INDIVIDUAL

1. Full name (last, first, middle)	2. Maiden name	2. Maiden name		3. Other names used			
4. Street address	City		State	Zip Code	Country		
5. Home telephone ()		6.0	Office to	lephone (')		
7. Date of birth	8. Place of birth	Place of birth 9.		10. Social Security No.			
11. Of Japanese ancestry? Yes	Other:						
12. Citizenship Natural born U.S. citizen Other:	Naturalized U.S. citi	zen	Date o	f naturalizat	ion:		
13. Alien Registration Number, if	any:						

SECTION B - HISTORICAL INFORMATION REGARDING INTERNMENT, RELOCATION, OR DETENTION OF POTENTIALLY ELIGIBLE INDIVIDUAL. Complete as much as you remember. Partial information is helpful.

Street address		City	State	Zip Code	Country
Names of assembly centr	ers relocation	centers, camps, or other place	of reloca	tion or deter	ntion:
	,	, , , , , , , , , , , , , , , , , , , ,			
3. Family number 4. Name		ame of head of family group	e of head of family group 5. Relationship to head		nead of family group
6. Names of parents					
Mother		Now living? Yes No	Date/place of death		
Father		Now living? YesNo	Date/place of death		

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SECTION C - INFORMATION REGARDING SURVIVOR BENEFITS

Professional Control of the Control

If an eligible individual dies a surviving spouse, children, is on file, please provide the	or parents may be eligible	Ivil Liberties Act to receive payme	t (Augus ent. To e	t 10, 1988), b nsure that ac	ut before receiving payment, ccurate survivor information	
1. Current spouse Name	Date of Marria	ge	Addre	55	·**	
2. Living children (include al relationship)	l natural children, adopted	children, and ste	p childr	en who lived	d with you in a parent-child	
Name	Address					
3. Living parents (include parents by adoption)						
Name	Address				,	
SECTION D - To be completed someone else. If you are com	ted by person filing this fo pleting this form on your o	orm (Complete th	is section	n only if you o Section E)	are providing information of	
1. Your full name (last, first, r	niddle)		•			
2. Your relationship to potentially eligible individual identified above (i.e. self, spouse, friend, son, daughter, etc.):						
3. Street address	City		State	Zip Code	Country	
4. Home telephone ()		Off	fice telep	ohone ()		
SECTION E		-				
Signature	······································		Date			

Recause the Department of Justice may make use of this information, as detailed below, a Privacy Act Statement has been included

The authority for this information is contained in 50 U.S.C.App. 1989b. The information that you provide will be used principally for locating and identifying persons aligible for payment under the restitution provisions of the Civil Liberties Act. Additional disclosures of the information may be to a Federal. State or local agency to confirm a persons date of thirt, date of death, or address to Members or congress or safet for enable the Congressman to provide service to his or her constitution; to volunteer studers workers so that they may perform their duties; to the news media when release is made consistent with the Precedom of Information Act and 28 C.P.B. 202; and to the Nettonal Archives and Records Astrictstant on and General Services Administration to perform records management inspection functions in accordance with their statutory responsibilities.

Reporting Burden

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other spect of this collection of information, including suggestions for reducing this burden to U.S. Department of justice, CVII Right Division, Office of Redress Administration, Room 7603, Washington, D. C. 20503, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Public Use Report Project 1190-0002, Washington, D. C. 20503.

SEND TO: OFFICE OF REDRESS ADMINISTRATION P.O. BOX 66260, WASHINGTON, D.C. 20035-6260

Mr. Turner. In addition to this form, we developed informational literature, which I can also submit if you'd like it, in both Japanese and English, and have distributed a combined total of 236,000 documents. We placed a temporary office on the West Coast in San Francisco. We spoke at more than 50 meetings in 13 different States or metropolitan areas. We placed advertisements in Japanese-American newspapers, reaching a combined circulation of 94,000 readers. We participated in five radio and television interviews. We've issued periodic press releases, mailed introductory information to organizations throughout the Country, and have even reached outside the United States to Canada and Japan where we have reason to believe some of the potential recipients are now residing. Working with the State Department, we have provided information to American Embassies and Consulates in those countries. Last month, I participated in a press briefing for the Japanese media, because a significant number of potential recipients have moved to Japan.

It has been a demanding schedule, but it has been rewarding.

We've received more than 50,000 contacts at this point.

Behind the scenes, we've been continually working on implementing regulations which will be needed to put this program finally in place. Whenever and wherever we talk with people the same two questions are asked, Am I eligible, and when will the payments start. At this point, we are unable to answer either question, but I can assure you and your constituents we're moving just as quickly as we can. There's been very little bureaucratic inertia. We've made a careful attempt in our drafting of the regulations to address all of the issues, and some of them are very hard legal issues to resolve. I think we've identified the issues now, we've conducted our own research. There is a draft presently pending in the Office of Legal Counsel, and it will be in due course sent onto the Attorney General for publication.

The staff of Office of Redress Administration, is composed of just eight Federal employees. Two of these people, Mr. Bratt and his deputy, have retained all of their prior duties and are doing this as an additional responsibility. We detailed three others from other portions of the Division, and have hired three new people for a two-year term. The remainder of the work has been done through contract employees, and that has worked very well, doing all of the data entry and processing, routine calls and correspondence in both languages. I go through this, because I think it's important for you to understand that we've not created some new large organization,

or lost sight of the need for very careful fiscal restraint.

As you consider our request for \$2.1 million to supplement the program for this year, and the increase of \$972,000 to that base next year, I hope you will remember not only what we have accomplished so far, but how much there remains to be done. As I said earlier, the plan is in three phases, Identification and Location, followed by Verification and Notification, and finally, Payment. While we have made some significant progress, the first phase is probably only about half done. Clearly, the intent of the law is that eligibles be identified very quickly. Specifically, it says the Attorney General should attempt complete identification and location within 12 months after the date of enactment of the statute, or

within 12 months after the appropriation of funds. This language is virtually synonymous with our Phase I. And I think we'll make it within this fiscal year, but certainly not without the financial support we're seeking in the supplemental. The increases for next year will support the more costly verification activities, without which no payments can be made.

Thank you again, and I would be pleased to address any ques-

tions the committee might have.

[The prepared statement of Mr. Turner follows:]

DEPARTMENT OF JUSTICE

CIVIL LIBERTIES PUBLIC EDUCATION FUND

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL

FOR THE CIVIL RIGHTS DIVISION

JAMES P. TURNER

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

HOUSE APPROPRIATIONS SUBCOMMITTEE HEARINGS

MARCH 2, 1989

Mr. Chairman and members of the Subcommittee: I appreciate both your interest in our Redress Program, and the opportunity to be here to talk with you about it. In support of our request for a \$2.1 million supplement for the current fiscal year and \$3.5 million for 1990, I will be discussing our activities to date and, briefly, our plans for the near future. I am joined at the table by Robert Bratt, who serves as Administrator of the program.

Section 105 of the Civil Liberties Act of 1988 contains the restitution provisions, and directs that they be carried out by the Attorney General. Briefly, the Section authorizes a payment, free of federal taxes, in the amount of \$20,000 to each of the estimated 60,000 Japanese Americans, now surviving, who were interned, evacuated, or relocated during World War II. These payments are to be made in order of, age, beginning with the

oldest. In the event an eligible individual has died, the payment goes to: a surviving spouse; if there is no spouse, to surviving children in equal parts; if there is no spouse or children, to surviving parent (or parents in equal parts).

Finally, if there are no such relatives, the payment remains in the Fund. The toughest part, administratively, is that the Attorney General must locate eligibles without requiring application. Public Law 100-383 was signed by President Reagan, on August 10; on September 7, the Attorney General delegated his responsibilities under Section 105 to the Civil Rights Division, and we established the Office of Redress Administration, frequently called "ORA."

The last six months have been busy ones. We began this program by setting out a three phase implementation plan. Phase one is "Identification and Location," phase two "Verification and Notification," and phase three, "Payment." Phase one is underway, and achieving good results. I'll give you a few examples.

As a foundation for identifying eligible individuals, we created computer tapes of historic records, primary among them camp rosters. These large ledger books were prepared by the War Relocation Authority at the time the Relocation Centers were closing, and are now maintained by the National Archives. They list residents, camp-by-camp, with personal identifying information, such as name, date of birth, sex, and family number.

We selected certain data elements to include in our tapes, so that we could compare the historic information with current automated records.

Last month, we received promising results of this process from the Social Security Administration. After the first run, SSA was able to provide Social Security Numbers for 53,821 people, 17,499 with current addresses, as they are now receiving checks. This is just the first run, so that these numbers could go up slightly as we computerize new information, and correct keying errors. Now that we have Social Security Numbers, we can also start working with IRS. IRS cannot divulge address information to us, but can, and in fact has already agreed to, forward a letter for us. In a similar way, we plan to use state records maintained by vital statistics and motor vehicle departments. California has already provided computer tapes, and we are negotiating with nine other states that have significant Japanese American populations.

Perhaps our biggest success has been in collecting information directly from potential recipients. As I said earlier, the law prohibits a mandatory application, but permits us to accept information that is submitted voluntarily. Knowing this, we moved quickly; twelve days after the Attorney General delegated responsibility to us, we had installed toll-free telephone lines, established a post office box, and engaged a bilingual staff of contract employees.

The initial reaction was interesting, and only a little ironic. We interpreted the law quite literally, telling contacts, "just write or call us." But the public was extremely uncomfortable, and frankly more than a little suspicious, of a government program that had no forms—a commentary on the bureaucracy, I suppose. We yielded to public demand, and in October developed our now widely distributed "Voluntary Information Form."

With the phone lines, the post office box, and our form in place, we launched an intensive public outreach campaign.

The obvious goal is to notify people how to contact us, and encourage them to do so. But we saw another need: to reassure the many who had worked so long in the redress movement that the Justice Department was sincere and enthusiastic about implementation.

In addition to our Form, we developed informational literature in both Japanese and English, and have distributed a combined total of 236,000 documents. We placed a temporary office on the West Coast. We spoke at more than 50 meetings in 13 different states or metropolitan areas. We placed advertisements in Japanese American newspapers, reaching a combined circulation of 94,800 readers. We participated in 5 radio and television interviews. We issued periodic press releases. We mailed introductory information to 475 community

organizations throughout the country. We've even reached outside of the United States, particularly to Canada and Japan. Working with the State Department, we have provided information to American Embassies and Consulates in those countries, and have placed our literature with them. Last month, I participated in a press briefing for Japanese media.

It has been a demanding schedule, that has paid off handsomely. We have received more than 50,000 contacts.

Behind the scenes, we have been continually working on implementing regulation. We know the anticipation out there from first hand experience. Whenever and wherever we talk with people, the same two questions are posed: "Am I eligible?" and "When will the payments start?" At this point, we are unable to answer either question. But, I want to assure you and your constituents that we are moving as quickly as we can. Any perceived delays are not the product of bureaucratic sloth, but rather an attempt on our part to address all issues. that now we are aware of most of the various scenarios and factual circumstances that must be taken into account. We have conducted our own research, both historic and legal, so that we know our conclusions are sound. I have personally met with ORA's staff attorney and others to thrash out our position, to make sure we interpret the legislation fairly and accurately. I trust you will agree that the regulation must not be developed in haste at the expense of quality. Our draft is now being reviewed by the Department's Office of Legal Counsel.

Before I close, let me tell you about the staff of ORA. It is composed of just eight federal employees. Two of these people, Mr. Bratt and his deputy, retained all the duties they had before assuming this additional responsibility. Three others were detailed from other positions. The remaining three people, the only new hires, have been appointed for two year terms. This staff is supplemented by a cadre of contract employees, that fluctuates with the demands of the workload. Contract employees are doing all the data entry and processing; and they are handling routine calls and correspondence. I tell you this, because I think it's important for you to know that we have not created some large new organization, nor lost sight of the need for fiscal restraint. We are excited about this program, but also realistic.

As you consider our request of a \$2.1 million supplement to support the program this year, and the increase of \$972,000 to the base next year, I hope you will remember not only what we have accomplished thus far, but, more importantly, how much there remains to be done. I said earlier that our implementation plan was divided into three phases: (1) identification and location, (2) verification and notification, and (3) payment. While we have made great progress, the first phase is probably only about half completed. Clearly, the intent of the law is that all

eligibles be identified very quickly. Specifically, it says that the Attorney General should "attempt to complete . . . identification and location within 12 months after the date of the enactment . . ." or "within 12 months after the appropriation of funds" This language is virtually synonymous with our Phase I. And I think we'll make it within this fiscal, but not without additional funds. The increases for next year will support the more costly verification activities, without which no payments can be made.

Thank you, again. I welcome your questions, now.

William Page

CIVIL LIBERTIES ACT PROCESSING

Mr. EARLY. Mr. Christensen, we're going to proceed with Civil

Liberties specifically at this point.

I noticed in your description, Mr. Turner, that a lot was dictated by the law. I would think that we don't need too much outreach in that program. Do you agree? You said you were surprised at 50,000 contacts, but considering that the people are going to receive

\$20,000, I wouldn't be surprised at that at all.

Mr. Turner. Well, of course, the Chairman is right in that any time you have a program passing out money, you're not going to have a hard time finding people to stand in line for it. However, the program does require the Attorney General to locate, identify and verify these individuals, and we have to do that without requiring an application form.

Mr. EARLY. I wish the word, locate, wasn't in there. The verification I don't have a problem with, but these people are going to come forward. We shouldn't have much of an expense. We've got enough legitimate expenses without that type of outreach, I think.

Under the law I understand that you must first process all the applications, determine their authenticity, and then rank each applicant by age. How long do you anticipate this process will take, and when do you believe you'll be in a position to begin making

Mr. Turner. The law strictly says, Congressman, that the Attorney General shall endeavor to make the payments to the oldest people first. In our outreach program we have identified people—actually just this week the oldest one came in at 106 years old.

Mr. Early. Well, we better speed up his. [Laughter.]

Mr. TURNER. And we will be in a position, I think, if the \$20 million that's recommended is appropriated, to start on those thousand payouts shortly after the beginning of fiscal year 1990. There are significant things that have to be done. This is a program of passing out money, and we have to take care to verify that we're passing it out to the right eligible people.

Mr. EARLY. Not being facetious, but would you consider giving that gentleman who is 106 his money, even though you've been di-

rected to establish a list, et cetera, et cetera.

Mr. TURNER. I think it's an absolutely genuinely proper question. What we have tried to do in the draft of the regulations that we proposed is indicate that we'll make a first cut run-through of the eligibles that we've been able to identify, and make the payments on that basis and not try to find every last person in the world that might have been relocated under this program, because they're dying at the rate of 100 or 200 per month at this point.

Mr. EARLY. What happens in the case that they die?

Mr. Turner. If they die after the effective date of the Act, last August, then it descends, the money goes to a spouse, if one's alive, to the children equally if there is no spouse.

Mr. Early. So there's no incentive for the Government to slow it

down?

Mr. TURNER. No, not at all. In fact, in your planning and in OMB's planning, it may, because of the age factor, be worthwhile to consider. The statute says the program has to be done in 10 years. The quicker it's done, the cheaper administratively it's going to be, because if we have to chase down spouses, children, and parents and that type of thing, it makes it much more involved. So the sooner it's over, the less the administrative costs.

FALSE APPLICANTS-REDRESS PROGRAM

Mr. EARLY. We have heard rumors of instances where groups in opposition to this program are making false applications. Is this true, and if so, how does this impact on your processing time, and are these individuals making false applications in violation of the law?

Mr. TURNER. I don't believe we have any verified instances of

anyone making a false application. Do you, Bob?

Mr. Bratt. No, we're not aware that there have been any wide spread number of ineligible people that have applied. However, anybody could call in or send in their name and their address.

Mr. Early. Okay.

So the rumor is false, and as far as you know there's no one in-

tentionally trying to disrupt this program?

Mr. TURNER. That's correct. We do have some procedures to guard against fraud that I would be glad to describe to you if you're interested.

CIVIL LIBERTIES ACT FUND REQUEST

Mr. EARLY. Now, has the Administration requested \$20 million? Mr. TURNER. There is a \$20 million request included in the fiscal year 1990 budget.

Mr. Early. I have problems with that, Mr. Turner. You know we

are talking about a \$500 million authorization.

Mr. Turner. That's one thousand payments, Congressman. And

there's supposed to be 60,000 people out there.

Mr. EARLY. Well, you've already got 50,000 contacts, so let's assume 80 percent of them are legitimate, that's 40,000. We have problems.

Mr. TURNER. If the program is to be complete in ten years as the statute requires, and the first payments total \$20 million in 1990, that will leave seven years at an average of \$171 million a year for the balance of the statutory period.

Mr. EARLY. There's no interest accruing on any of that?

Mr. Turner. No, sir.

Mr. EARLY. Fine.

How much did the Department request for this fund from OMB? Mr. TURNER. We requested \$500 million, Congressman.

REDRESS ADMINISTRATION STAFFING AND FUNDING

Mr. Early. I think that's a proper request.

Will the funding requested for redress by the Administration be sufficient to process the applications and make payments as expeditiously as you're talking about? And I'm talking about the \$2.1 million and the \$3.5 million.

Mr. TURNER. The \$2.1 million and the \$3.5 million for the current and the following fiscal year, will allow us to administratively

support and make the 1,000 payments if the \$20 million is appropriated.

Mr. EARLY. You could speed up the process, too, Mr. Turner, if

you didn't hire any lawyers. [Laughter.]

Mr. TURNER. Well, that would be an admission against interest,

and there must be a Fifth Amendment I can say.

Mr. Early. Other Members of Congress, not on the Committee, have a great interest in the administration and funding of the Civil Liberties Public Education Fund. Due to space and time considerations, we were unable to accommodate their requests to participate in this hearing; however, we will include the questions from these members at this point, and ask that the Department respond for the record.

Mr. Turner. We'd be delighted.

[The information follows:]

QUESTIONS SUBMITTED BY OTHER MEMBERS OF CONGRESS

Implementation of the Civil Liberties Act of 1988

QUESTION: How many names and addresses has the Office of Redress Administration (ORA) compiled to date?

ANSWER: ORA has acquired names and identifying information for the roughly 110,000 internees that were held in War Relocation Centers. This information was obtained from War Relocation Center records held by the National Archives, and completes for ORA 95 percent of the identification process. ORA must now locate these individuals.

In order to locate elimible individuals, ORA established, and widely publicized, toll-free telephone lines and a post office box to receive voluntary information. Through these channels, ORA has received an estimated 53,000 contacts to date. This figure includes a number of duplicates, generated by individuals who may have both called and written the Office to volunteer information. ORA is now working to eliminate these duplicates and obtain a more accurate count.

The Office has also been working with the Social Security Administration to locate eligible persons. This effort has been largely successful. To date, ORA has obtained current address information for 17,500 eligible individuals, and social security numbers for 53,800 of them.

QUESTION: How many of those names do you anticipate will be eligible for compensation under this program?

ANSWER: Of the 53,000 contacts received via the toll-free lines and the post office box, ORA anticipates that over 45,000 belong to eligible individuals. This is a rough estimate derived from statistical simples. The exact number will not be known until a case by-case examination has been conducted in the verification stage of the program.

QUESTION: It is my understanding that for those who spent time in the WRA camps, verifying their eligibility will be a straight-forward matter since the Government records on those in camp are excellent and the main question is "are you who you say you are." Apparently, there are at least 50,000 such individuals. With only such basic information needed before checks can be issued, how long will it be before the ORA verifies the eligibility and can issue checks for, say, the oldest 10,000? The oldest 25,000? The oldest 40,000?

ANSWER: Given a level of administrative funding that is in step with payment appropriations for a particular year, the Office of Redress Administration will be prepared to process payment authorizations for as many persons as are

provided for in appropriations. The Civil Liberties Act set a maximum annual appropriation level of \$500,000,000 for payments, enough to pay a maximum of 25,000 individuals in a single year.

QUESTION: What kind of actuarial data are you using? How many eligible people do you estimate will die over the next fiscal year?

ANSWER: We estimate that up to 200 survivors die each month. This estimate is based on data from the United States National Center for Health Statistics, and on our own information from sources such as the obituary columns of Japanese vernaculars and Japanese American community groups. At this rate, 2,000 to 2,400 eligible persons may die in the next fiscal year.

QUESTION: If an eligible person dies before receiving compensation, how much do the administrative costs increase to identify, locate and verify any eligible heirs?

ANSWER: We are unable to make more than a rough estimate of the level of increase in administrative costs at this time. However, ORA is currently undertaking an analysis that should provide a reliable projection. Within the next few months, ORA will take a sample of approximately 100 deceased eligible persons and undertake all the steps necessary to verify the eligibility of each and locate and verify the authorized beneficiaries. The results of such a test should provide us with facts necessary to determine the extent of extra administrative costs required to locate and verify statutory heirs permitted to collect under the Act.

QUESTION: What is the break-down of those eligible by age?

ANSWER: All eligible persons are now 43 years of age or older. Divided into ten-year age groups, the largest percentage of the 110,000 who were interned in the War Relocation Centers, more than 31 percent, are now between 61 and 70 years of age if surviving. The second largest group is 51 to 60 year old persons, 15.3 percent of the interned population. Another 13.3 percent is between 71 and 80 years of age. In each ten-year group from 81 to 110 years of age fall 10 to 11 percent of the original interned population, a total of roughly 32 percent. For 1989, this elderly group will be largely decreased by mortality. The remaining 7.5 percent is under 50 years of age.

QUESTION: What amount did the Justice Department recommend to OMB for the redress fund for FY 1989 and FY 1990?

ANSWER: The Department submitted a request for the statutory maximum of \$500,000,000 as a supplemental for

the FY 1989 budget and a request for \$500,000,000 in the proposed FY 1990 budget.

QUESTION: What were your reasons for recommending an appropriation at that level?

ANSWER: We believed that after the one-year target period for identification and location, the Department would be fully prepared to make payments. In addition, appropriations from the redress fund remain available until expended. Requesting the annual statutory maximum amount for both 1989 and 1990 would have placed the Department in a positions of expeditiously making payments to a majority of the eligible recipients.

QUESTION: What amount did the Justice Department recommend to OMB for administrative costs of the redress fund for FY 1989 and FY 1990?

ANSWER: The Civil Liberties Act of 1988 was signed into law on August 10, 1988, after the Department had internally reviewed all requests for 1990 resources. Accordingly, during the final negotiation process with the Office of Management and Budget on the 1990 budget, a 1989 supplemental request for \$6.4 million was presented. In addition, a request was made to increase the Division's 1990 base by \$6 million, annualizing the proposed supplemental.

QUESTION: How long would it take to compensate all eligible internees at a funding rate of \$20 million per year?

ANSWER: There were estimated to be 60,000 surviving eligible individuals at the time that the law was signed. Funding of \$20 million is sufficient to provide 1,000 payments. At the rate of 1,000 payments per year, it would take 60 years to complete the project.

It is important to point out however, that the law does not allow the program to last more than 10 years. Section 104(d) of the Act states that "The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund. . . or 10 years after the date of the enactment of this Act." In order to continue the program for longer than 10 years, the law would have to be amended. Current long-range plans assume annual appropriations of \$171 million from the fund for seven years after 1990.

QUESTION: If the program stretches out this long, how much will this increase administrative costs and add to the complexity of administering this program?

ANSWER: Administrative costs will rise for each eligible recipient that dies prior to receiving payment, because survivors of eligible recipients that have died since

enactment of the law on August 10, 1988, must be compensated. Approximately 2,400 potential recipients die per year and the longer payments are delayed, the higher the administrative costs to locate and verify heirs. Furthermore, the Act mandates that survivors of eligible recipients are to be paid in the following order: spouse, equal shares to the children, and parents of the deceased. Within the next few months, ORA will take a test sample of approximately 100 deceased eligible individuals and undertake all the steps necessary to verify the eligibility of each and to locate and verify the authorized beneficiaries. The result of such a test should provide us with facts necessary to determine the extent of extra administrative costs required locate and verify statutory heirs permitted to collect under the Act.

QUESTION: If you received an FY 1989 appropriation at the \$10 to \$15 million level recommended by CBO, how many potentially eligible individuals could you verify by the end of FY 1990?

ANSWER: That would depend on two factors. The first is the timing of the funding. If received by July 1989, ORA could prepare to process 25,000 payments for 1990. The second factor is the type of funding. ORA could operate most effectively on no-year funding, which would allow for the carry over of unexpended funding from the prior fiscal year. One-year funding at that level, especially if it arrived late in the fiscal year, would not be nearly as effective.

QUESTION: What would be the administrative cost of verifying the eligibility of all the individuals that have contacted you so far?

ANSWER: In order to make such an estimate, the Office of Pedress Administration is developing a statistical model based on mortality rates that will project, over several years, the shifting proportion of payments directly to former internees versus payments to their surviving next-of-kin. ORA will also perform a test verification to determine more accurately the cost of the verification process in two types of circumstances for a surviving internee, and for statutory heirs. These cost projections can then be applied to the statistical model to yield an estimated increase in annual workload and administrative costs.

QUESTION: What information do you need to receive from an individual to determine whether he or she is potentially eligible for a payment under the Redress program?

ANSWER: Nothing is required of the individual for verification of his or her eligibility. However, to prevent any attempt at fraud, some proof of identity will be required prior for issuance of payment. Procedures for verifying the identities of recipients are being developed and will be addressed in the regulations.

IDENTIFICATION OF ELIGIBLE RECIPIENTS-REDRESS PROGRAM

Mr. EARLY. I don't think we're going to have any problems finding the eligible people. I really don't.

Mr. TURNER. Well, they really are scattered around a lot, Con-

gressman.

Mr. EARLY. It's probably going to be a program we don't miss

one

Mr. Turner. Well, I hope we don't, because that was the Congressional intent. But it's not quite as easy as one might imagine, and I'd be glad to supplement the record by explaining the problems we've identified in locating them.

Mr. EARLY. Fine, why don't you do that. Where you identify a problem, if you have any suggestion for a solution, please insert

your own personal opinion on how to connect it.

Mr. Turner. Certainly. [The information follows:]

IDENTIFICATION OF ELIGIBLE RECIPIENTS—REDRESS PROGRAM

The Office of Redress Administration (ORA) has identified more than 95 percent of potential eligibles through the use of the historical records of the War Relocation Authority, the War Department, and the Justice Department, which are now held by the National Archives. However, some individuals are not included in these records, such as voluntary evacuees who left the West Coast after March 2, 1942, without filling change of address cards. Fortunately such cases are rare, and means of establishing the identity in such cases will be addressed through our implement. of establishing the identity in such cases will be addressed through our implement-

ing regulations.

Problems of location are more complex. Individuals are being located through two means: first, through a search of current Government records including Social Security, Internal Revenue, and State vital statistics and motor vehicle records; and second through public outreach efforts which encourage individuals to voluntarily submit names and current addresses to our toll-free telephone lines and post office box. These efforts have been very successful. However, among those who are difficult to locate despite these efforts, are individuals who never entered the Social Security system; individuals whose names have changed, such as women who married curity system; individuals whose names have changed, such as women who married or divorced after leaving camp; individuals who now lived abroad or in parts of the United States with very small Japanese-American populations and thus are out of touch with the community; and the very elderly who are no longer able to handle their own affairs and are thus unable to voluntarily identify themsevles.

A further problem is that many Japanese-Americans have adopted common American first names. However, historical records often show only their Japanese first names. Therefore, these individuals are not easily identified through computer linkage to Social Security records and vital statistics records.

linkage to Social Security records and vital statistics records.

TAX DIVISION

Mr. EARLY. Now, the Tax Division requests an increase of \$1.5 million. The majority of this increase is for civil tax litigation. Why are these funds required, Mr. Christensen?

Mr. Christensen. Mr. Knapp, would you please respond?

Mr. KNAPP. Yes sir, I will.

The bulk of our increase is for civil litigation. We anticipate a substantial increase in civil litigation. In fact, that has been the pattern over the course of the last few years. We've seen the receipts of our cases go from 11,000 in 1986 up to 13,000 this year, with a projection of 16,000 next year, and the following year up to

Our request for 28 additional positions is broken into three major categories. The first one is for the large, document-intensive cases.

The IRS is shifting its investigative resources, because it discovered that 10 percent of the cases involving over a million dollars or more, produced 90 percent of the missing revenue. We anticipate that when those cases arrive in the Department, they're going to generate a lot of documents, they're going to be very difficult to

litigate. Consequently, we're requesting 10 positions there.
Second is the S&L crisis, leaving aside the fraud aspects of it, just from the civil side, the reorganization of the industry has created some very significant legal issues, which are now pending before the courts, and which are going to involve us in protracted litigation. For that we have requested nine positions. In addition, a general increase due to tax reform, questions of statutory interpretation, and general increase in the workload, three positions.

Third is the debt collection area, which was highlighted in the opening testimony by the Deputy Attorney General. We're asking for six paralegal positions to help us improve our debt collection. I should point out that if we improve our debt collection we could easily get these additional resources. Our projection is we could go from \$42 million up to \$65 million in collections in the next two years, which would be a very substantial return on the money invested.

Finally, we're requesting three additional positions for our appellate staff to handle the increase in appeals based on the overall increase in civil tax workload, and eight computer specialists to sup-

port Project Eagle.

Mr. Early. The staffing for the litigation on the S&Ls, I would think that they're going to have to slow down for the fraud and the

other criminal investigations that will be pending.

Mr. KNAPP. There are two different aspects to the S&L crisis. One is the criminal aspect. And that's part of the special initiative, where we've requested 10 positions for the criminal section. But the request in the fiscal year 1990 budget deals not with the fraud aspects, but the fact that when you have bankrupt S&Ls, they are picked up by existing S&Ls. In doing so, the existing S&Ls are claiming various tax benefits to which we feel they're not entitled.

Mr. EARLY. Well, the \$50 million requested by President Bush for

the S&Ls is for what, civil litigation or fraud?

Mr. Knapp. It's for criminal fraud. Mr. EARLY. It's all for criminal fraud?

Mr. KNAPP. It's all criminal fraud, and it's all basically against the perpetrators of the fraud, the individuals and the companies involved. The S&L money that we're requesting on the civil side of the budget has nothing to do, directly, with that. It has to with the legal issues which have been posed by the companies that are taking over the defunct S&Ls, and are trying to claim improper tax benefits. Several billion dollars are at stake. If we lose those cases, the projected revenue loss is three to four billion dollars.
Mr. EARLY. So that is just for the S&Ls still in operation?
Mr. KNAPP. That is right. It is for the civil aspects dealing with

the reorganization in the S&L industry.

Mr. EARLY. I don't have a problem with that, Mr. Christensen, but there's no additional funding for criminal tax prosecution. Does this program have jurisdiction over drug cases, especially the money laundering?

Mr. Christensen. Mr. Knapp? Mr. KNAPP. Yes sir, it does.

Mr. EARLY. Why aren't we requesting any monies in that area? Mr. KNAPP. Well, of course we have requested those 10 additional positions as part of the special S&L initiative, which is in the \$50 million request. But aside from that, the reason we did not request any additional resources for our criminal section in the Tax Division is two-fold. First of all, 80 percent of the cases are actually litigated by the United States Attorneys. And they are receiving additional resources across-the-board. Second of all-

Mr. Early. But it's not commensurate with the suggested in-

creased workload in the criminal side.

Mr. KNAPP. Well, the criminal workload, if you leave aside the question of the S&Ls, is holding about even. The cases are getting more complex, but the total number of cases on the criminal side is remaining about the same. The U.S. Attorneys try large numbers of those cases, so the additional resources would go to the U.S. Attorneys, not to the Tax Division.

However, we've also instituted a reorganization in the criminal section of the Tax Division, which is causing the section to operate more efficiently. Our attorneys are devoting more time to handling actual litigation without the need for asking for additional posi-

tions.

ATTORNEY SALARIES

Mr. EARLY. Fine. And your attorneys don't get paid by the hour, do they?

Mr. Christensen. Unfortunately, not.

Mr. EARLY. They move like they do, sometimes.

Mr. Christensen. No, we're finding, both in the civil and criminal side, that our attorneys are working nights and weekends quite regularly.

Mr. EARLY. I personally think they're underpaid, when you look

at what the private sector pays.

Mr. Christensen. Yes.

Mr. Early. I don't know how we approach that.

Mr. Christensen. It's a very serious problem. We're having serious recruiting problems now.

CIVIL DIVISION REQUEST

Mr. EARLY. You get what you pay for.

Now, for the record, on the Civil Division request of \$9.5 million, provide a breakdown of how much of this increase is for increased staffing, and how much is for automated litigation support.

Mr. Schiffer. Mr. Chairman, we seek 71 positions with \$2.9 million accompanying the positions for funding. The amount is \$6.8 million for automated litigation support. There's an additional \$364,000 for anticipated increases in the need to pay foreign counsel.

Mr. Early. Can you provide the Committee with an estimate of the potential impact on the Treasury if these funds are denied? You can do that for the record, if you don't have it.

Mr. Schiffer. I can do it for the record. We can only say it's massive. I mean, we have literally a total of \$170 billion at issue. We've done some studies that show dollar-for-dollar recoveries, for example, in affirmative cases getting anywhere from \$100 from every new dollar of funding up into the \$200 range. So it's a substantial amount that we risk on the defensive side, and on the affirmative side we stand to bring in many millions of dollars to the Treasury when we get increased resources.

[The information follows:]

RECOVERIES FROM CIVIL LITIGATION

As the stakes of our litigation skyrocket to \$170 billion by 1990, resources available to defend claims and recover monies owed the Government are dwindling. No program increases have been approved for the Civil Division since 1987. At the same time, we have been forced to absorb millions of dollars in inflationary increases. As a result, we have found it necessary to drastically curtail the Automated Litigation Support (ALS) program and hold on-board employment to a fraction (78 percent) of the authorized level. Approval of the ALS and staffing increases sought in the 1990 budget request is essential to avoid a failure in our litigating program which could cost the Treasury billions of dollars.

Critical to fending off unwarranted claims is the Civil Division's ALS program. For four years ALS has been provided to our largest litigations. The lion's share of these services has been devoted to supporting massive discovery operations in cases spanning years. In the past two years, lengthy discovery activities gave way to major trials, demonstrating the vital importance of this program.

In Johns-Manville, the dramatic six-week trial was a faceoff of the asbestos industry leader versus the Government.
The core of Manville's case rested on theories alleging
the Government's superior knowledge of the hazards of
asbestos and failure to use that knowledge. This claim
was refuted by crucial evidence obtained through ALS
review of 43 million pages of evidence saving the Treasury
from a potential exposure of over \$600 million. Our
attorneys relied heavily on the capabilities of the
Asbestos Document Center and the ever-expanding data bases
and library collections. ALS proved to be invaluable in
responding to our adversaries' appeals. By using exhibit
tracking data bases created during trials, our attorneys
were able to meet the court deadlines while also keeping
pressure on our opponents to amend their briefs because of
poorly-cited evidence.

In LTV Education Systems v. Bennett, at al., ALS was used to recover \$20.1 million for fraud violations of the Federal Student Loan Program. Only with ALS was the Government able to recreate information on defunct programs and quantify LTV's liability.

In <u>Triana Litigation</u>, <u>Redstone Arsenal</u>, <u>Alabama</u>, ALS organized and managed nearly \$00,000 pages of pertinent documents and assisted in preparing nearly 100 depositions. With ALS case management, the Division defeated \$1.4 billion in claims that sought to hold the Government responsible for DDT releases by a private manufacturer leasing Government property.

Our ALS program is now at a critical juncture with current funding at a mere 60 percent of 1988 availability. Where

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in 1988 we supported 37 cases and families of cases, this year's budget permits us to support only 12 -- asbestos, radiation, and ongoing aviation and Claims Court cases.

If the requested increase for ALS is denied, defensive cases with enormous financial stakes will not be supported. Affirmative cases, in which our ability to file suit depends on culling evidence from millions of documents, will not be supported. The potential losses to the Treasury are staggering.

The Torts Branch requires \$2,669,000 for ALS to derail budget-busting toxic torts, radiation and aviation claims involving no less than \$66 billion. Without this increase our attorneys will flounder with no means of gleaning vital evidence.

The Commercial Litigation Branch requires \$2,576,000. Without this increase not a shred of support will be available for numerous frauds, contracts and loan default cases, despite the multi-million dollar recoveries that hinge on access to evidence concealed in mountains of records. All in all, these cases involve stakes of \$27 billion.

The Office of Consumer Litigation requires \$610,000. While these cases do not involve huge monetary claims, their implications for public health and safety are substantial. Without the funds sought, no support will be available to fight the scourge of illegal drugs — in particular, steroids — that is plaguing our nation. Efforts to combat this infestation require a means to organize and access voluminous documentation.

The Office of Immigration Litigation requires \$434,000 to operate the Mariel Cuban Document Center. On-going reviews will spawn substantial litigation throughout 1990. Without the essential services provided by ALS in organizing and tracking thousands of files pertaining to detainees, the Government's litigative posture will be undermined severely and the litigation will be protracted unduly. While it is difficult to accurately measure the monetary implications of this effort, we know they are enormous: millions of U.S. Treasury dollars are spenteach year on the Mariel detainees. Approval of this program increase will assist in the timely resolution of these cases.

No staffing increases have been approved for the Civil Division since 1987 despite continued growth in our caseload. The additional 71 positions are essential to protecting the public fisc and implementing recent Congressional enactments.

Because the most important cases are most likely to be the ones appealed, appellate litigation involves enormous financial stakes. Staffing has not remotely kept pace with the volatile growth in this area of litigation. Six

additional positions and \$227,000 to strengthen the Government's role in appellate litigation where over \$37 billion will be at stake in 1990.

Mega-buck torts cases continue to be brought in growing numbers. To safeguard the Treasury, additional attorneys are crucial. Of particular concern is the need for additional staff to defend a growing number of toxic tort cases. Because of their huge discoveries and highly complex subject matter, these cases tend to devour staff time. To handle suits which by 1990 will involve a staggering \$33 billion, the Civil Division requires four additional positions and \$166,000. Additionally, to ensure that trust fund moneys are distributed to meet warranted claims only, the Civil Division requires 36 additional positions and \$1,495,000 to handle the onslaught of claims arising from the National Childhood Vaccine Injury Act.

The outcome of Commercial Litigation cases has enormous financial implications for the U.S. Treasury. Six new positions and \$234,000 are vital to handle the increase in Government contract litigation, where the Treasury will be exposed to a loss of over \$5 billion by 1990. Aggressive pursuit of anti-fraud litigation will require an infusion of 13 additional positions and \$547,000. The inability to bring planned cases to fruition will mean the loss of over \$1.3 billion to the Treasury and a retreat from the Government's stance against waste, fraud and abuse.

While immigration litigation rarely involves monetary claims, major policies are at stake in these cases. Six new positions and \$236,000 is required to defend class actions arising from the Immigration Reform and Control Act and to pursue highly complex anti-terrorism actions.

LAND AND NATURAL RESOURCES DIVISION

Mr. EARLY. The Land and Natural Resources Division requests an increase of \$7.4 million. Would you please describe the reasons for the increased workload driving this request?

Mr. Christensen. Mr. Carr?

Mr. CARR. Mr. Chairman, the Attorney General is committed to increasing the deterrent message in our enforcement presence across the Country. We have an expanding docket, and expanding complexity of cases in the Superfund and RCRA area, and the wetlands area, and across-the-board in environmental protection.

Mr. EARLY. Could you spend that much in just the waste area? Mr. CARR. We could spend a lot more than that.

We're trying to get sites cleaned up as rapidly as possible, and that is the object of this exercise.

Mr. EARLY. How much of the Lands Division increase is for auto-

mated litigation support?

Mr. CARR. I have the figure at the tip of my tongue. It is \$4.75 million.

\$4.75 million.

Mr. EARLY. Why don't you provide for the record, Mr. Christensen, a breakdown on automation. I don't think any Administration has made a definite commitment to automation.

Mr. CARR. We agree, Mr. Chairman. We have made the commitment in the Land and Natural Resources Division. Most of what we would be allocating this money for is environmental enforcement.

Mr. Early. In the coming four years of this Administration I believe you need going to identify all cases on a computer, with a scenario on each one of them. I believe it would be the best spending of the taxpayer money.

Mr. CARR. I agree.

STATUS OF AMICUS

Mr. Early. Now, on automation specifically, the Department of Justice has undertaken two major office automation projects in its attempt to combat an increasingly large and complex litigation caseload. The first of these projects is the automated management information user system, AMICUS. What's the current status of AMICUS?

Mr. Christensen. I would like Steve Colgate to respond to that, Mr. Early.

Mr. EARLY. Okay.

Mr. Colgate, are you responsible for all the automation?

Mr. COLGATE. I'm responsible for automation in the Department

of Justice, that's correct.

The AMICUS system was awarded in January of 1986, and we have a real success story to tell, Mr. Chairman. Right now we have over 2,400 workstations fielded in the Department of Justice in 16 organizations. Primarily those workstations are fielded in the Civil Division, the Civil Rights Division, the Land and Natural Resources Division. Also, we have workstations in the Senior Policy Offices within the Department.

Mr. EARLY. Would you give me, Mr. Colgate, and I apologize for not being up on it, but just a scenario on what AMICUS does in the

simplest terms?

Mr. COLGATE. By all means.

Primarily the AMICUS system is an integrated office automation system that allows an attorney or a secretary or a paralegal, or some other type of support person to have one terminal at their desk. That one terminal will allow you to go into word processing, electronic mail, calendaring, as well as to gateway into other systems within the Department of Justice. For example, if you're an attorney, you can go into word processing. You can prepare your brief, you can exit the word processing, go right into automated litigation research, such as JURIS or WESTLAW and LEXIS. You can pull information out of those systems and then incorporate it in your brief, completing your brief at your workstation. The brief can be transmitted to any of the users on the AMICUS system for their review and approval. It gets into a paperless type of office situation, by allowing that person to review it, update the material, send it back to you for you to make further refinements, and print it at any one of the printers on the system.

Mr. EARLY. Does it also tell you what laws to proceed with as far

as violations from the individuals?

Mr. Colgate. It doesn't have the artificial intelligence capability that you may be referring to, but it does have the legal research capability. In other words, it can get you into JURIS so you can do a case law search in a particular area. Or it can get you into LEXIS, which is another commercially available system.

Mr. EARLY. Why doesn't it have artificial intelligence? I've seen the FBI system which identifies what laws they should proceed to

investigate a potential criminal under.

Mr. Colgate. At this point it does not have the artificial intelligence capability that you're addressing. That is a very resource intensive application, as I'm sure you're aware from your briefing by the FBI. And it takes quite a bit of sophisticated interface by the user.

At this point, our primary goal is to get into an integrated office automation environment so we can improve the productivity of both our attorneys and support personnel. In the future we would look at how we can marry this technology with artificial intelligence.

Mr. EARLY. How long will you operate AMICUS? Mr. COLGATE. AMICUS is an eight-year contract.

Mr. EARLY. What year are we in?

Mr. Colgate. It was awarded in January, 1986, and will run out in January, 1994.

Mr. EARLY. And are the eight years funded at one-eighth each

year?

Mr. Colgate. No, sir. It's a lease-to-ownership plan, where we have approximately 2,400 terminals fielded. There's no significant enhancements, as far as the number of workstations anticipated at this time. That would be taken over by what we refer to as Project Eagle.

Mr. EARLY. And have we in the first two years completed one-

fourth of it?

Mr. Colgate. All 2,400 workstations are up and running, sir.

Mr. Early. I mean as far as in the eight steps?

Mr. COLGATE. Sir, it basically is completed as far as it will be fielded within several organizations. Any additional office automation applications would be under our Project Eagle that we're seeking resources for in 1990.

PROJECT EAGLE

Mr. Early. Well, will Project Eagle replace AMICUS?

Mr. Colgate. No. The nice feature about both Project Eagle and AMICUS is that you must be able to transmit any editable documents between the two systems. Essentially, what we've taken is the functionality of AMICUS, and we're expanding it under Project Eagle to the rest of the Department components. So you've got to think of those as being lock-step together.

Mr. EARLY. Now, did I hear you say that it was an eight-year implementation?

Mr. Colgate. It's an eight-year contract, sir.

Mr. Early. Okay. So it's completed.

Mr. COLGATE. That's correct. But the nice thing about this contract, to the Civil Division's credit, is that we've incorporated engineering changes. So as the technology improves and changes, we can keep the technology updated during that eight-year period.

Mr. EARLY. And you are doing that? You've got monies in this

budget to do that?

Mr. COLGATE. It's on an ongoing basis, yes, sir.

Mr. EARLY. It's an ongoing basis, but you need monies to get

more memory?

Mr. COLGATE. Essentially the more memory, and the upgrades that we would require have been absorbed within base level resources, as we take ownership of the existing equipment.

INCREASED PRODUCTIVITY FROM AMICUS

Mr. Early. Could someone other than Mr. Colgate, Mr. Christensen, tell me what the Department estimates as the increased productivity, because of AMICUS?

Mr. Christensen. I'm not sure. Perhaps Mr. Roper can-

Mr. Schiffer. I'm Stuart Schiffer from the Civil Division. At one level we refer to the system as literally our life support system. At a time when our caseload is burgeoning and we operate under resource constraints. I'm always a skeptic at productivity studies, but my colleagues who are management afficionados tell me that studies they have done show savings of as much as \$30 million over, I think, a five-year period, with this contract and a precursor that we've achieved.

Mr. EARLY. So it's the savings in more productivity, is that what

you're saying?

Mr. Schiffer. In more productivity and our being able to cope with—to state it another way—with existing personnel levels while our caseload-

Mr. EARLY. I wish you'd say in it, your assessment rather than

your study of it. I have a tremendous problem---

Mr. Schiffer. Well, they're either my studies or my assessments. I'll be glad to say that.

PROJECT EAGLE AWARD SCHEDULE

Mr. Early. In 1986 the Department issued a request for proposal to procure a second system, the Project Eagle. When is the Project

Eagle award scheduled to be implemented?

Mr. Colgate. Project Eagle will provide an additional 12,000 workstations to the Department of Justice. We anticipate that Project Eagle will be awarded in June of this year. We're very close and very pleased with what we've seen.
Mr. EARLY. How long will that contract run?
Mr. COLGATE. It, again, will be for an eight-year period.

Mr. EARLY. Are they competing this contract?

Mr. Colgate. It's a fully competitive bidding process.

Mr. EARLY. I would think the AMICUS people would have a leg

up, though, and I don't have a problem with that.

Mr. COLGATE. It would be inappropriate to discuss who the bidders are in an open forum, but we're very pleased with what we've

Mr. EARLY. Can you tell us how many bidders you have?

Mr. Colgate. No, sir. I'm precluded by the Competition In Contracting Act from providing that information. I'd be more than glad to provide——

PROJECT EAGLE FUNDING

Mr. EARLY. No, that's fine. No, no.

What's the projected funding for the implementation of Project

Eagle?

Mr. Colgate. Over the eight-year life of the contract and to support the full 12,000 workstations that would be available off this contract, we estimate that it would be approximately \$212 million, of which we're requesting \$12,160,000 in fiscal year 1990.

Mr. EARLY. Have we had delays, though, in Project Eagle, Mr.

Colgate?

Mr. Colgate. Initially, Project Eagle started off as a Uniform Office Automation System for just the Tax and Criminal Divisions. Our delays, initially, were from adding the U.S. Attorneys, which places a tremendous field structure into this process. We've overcome this. We've actually done live test demonstrations of the vendors' proposals. And I must say we're quite pleased with what we've seen.

Mr. EARLY. Did we learn something from the issuance of

AMICUS that has expedited Project Eugle?

Mr. Colgate. The benefit of AMICUS was that it defined the functionality that we were looking for. So when we talk to vendors, or we talk to potential users, we can actually show something that was done in the Department of Justice, and say this is the type of functionality that we're trying to achieve under Project Eagle. So it has helped us tremendously.

Mr. Early. Okay.

So you're not anticipating any more delay in issuing the contract. Will there be any FY 1989 funding not used?

Mr. COLGATE. No. sir. We were appropriated approximately \$5 million, \$1.1 million was set aside for initial Project Eagle funding. Of the \$1.1 million we're already expending approximately half to begin the actual site preparation for the Eagle installations. We will be issuing, within this month, the best and final guidelines so we can wrap up this whole procurement process by June.

Mr. Early. But how much and where in the fiscal year 1990

budget is the request for funding for Project Eagle?

Mr. Colgate. There's a Legal Activities Office Automation budget activity within the General Legal Activities Appropriation. Mr. Early. But I didn't see that identified as Project Eagle. Mr. Colgate. It's approximately \$12 million, and the majority of those resources, sir, will be used for Project Eagle. We have already paid the lease to ownership payments for AMICUS. So by 1990, we'll be in good shape.

Mr. EARLY. For the record, identify your request for Project

Eagle, and then for your other project.
Mr. COLGATE. I'd be glad to.
[The information follows:]

LEGAL ACTIVITIES OFFICE AUTOMATION

Funding for Departmental office automation efforts is derived from two sources; the Legal Activities Office Automation (LAOA) account in the General Legal Activities appropriation, and individual component appropriations. It is anticipated that nearly all of the \$12,160,000 request for LAOA will be devoted to Project Eagle. This is possible because by the end of 1989, installation of the AMICUS system in the Land and Natural Resources and Civil Rights Divisions will be complete, thereby eliminating the need to provide significant resources for this purpose. There is the possibility that \$650,000 from the LAOA account will be used by the Antitrust Division to account gateway software and system integration services necessary to make sion to acquire gateway software and system integration services necessary to make its existing system compatible with both AMICUS and Project Eagle systems.

Mr. EARLY. Has the Department prepared a risk analysis of the

Project Eagle system?

Mr. COLGATE. One of the benefits of having AMICUS is that the Civil Division has done one risk analysis already, and is in the process of doing a second one. Until an architecture has been determined under Eagle, we thought it was a little bit premature to do a risk analysis. And we're essentially using the benefits of the risk analysis done on the 2,400 workstations on AMICUS as being exemplary of the type of things we'd have to look at in Eagle. We've already done one study, why continue to do more and more studies, just use what we've already completed.
Mr. EARLY. We don't need more studies.

But, isn't there going to be a lot of sensitive data with regard to Grand Jury information?

Mr. COLGATE. We have that information already on the AMICUS

system, so we've learned quite a few lessons, sir.

Mr. EARLY. The 2,100 stations can't plug into that, or can they? Mr. COLGATE. Well, in some of those systems, right now, you can have up to 64 users on one of the minicomputers. So it is in a multi-user environment.

PROTECTION OF GRAND JURY INFORMATION

Mr. Early. Yes, but how do we protect that sensitivity there?

Mr. Colgate. Excuse me, sir?

Mr. EARLY. How do we protect our Grand Jury sensitivity?

Mr. COLOATE. Well, there are quite a few safeguards built into the system as password protecting documents, so on and so forth.

And we are very sensitive to the Grand Jury information which we have. The Lands Division already has their environmental cases containing Grand Jury information in the AMICUS system. So we have quite a bit of experience in this area.

Mr. EARLY. So the code words are not available to everyone that

has the computer?

Mr. Colgate. That is correct, sir. That's absolutely true.

CASE MANAGEMENT SYSTEM

Mr. Early. Under Uniform Case Management, what is the status of the Department's plan to acquire or develop a Department case management system?

Mr. Christensen. Is that part of yours?

Mr. COLGATE. We have a prototype right now of the Department's case management system that we've been loading data in. We have data from all of the components in the Department of Justice to formulate our Department's case management system. The only hurdle we have to overcome right now is to ensure that we don't have double counting of data. For instance, a case that originally is assigned to the Civil Division, if it's then referred to the U.S. Attorney's Office, we want to make sure that we're not counting it in both places and overstating our caseload. This correction will be complete by the end of this fiscal year. The prototype is up and running and we're quite pleased with what we've seen so far.

Mr. EARLY. And you're satisfied that this will give us uniform

case management?

Mr. Colgate. Yes, sir. One of the things that we've been able to do is come up with a common data dictionary, so that when you say a case, that means the same thing in all the litigating components in the Department of Justice. Just getting those definitions hammered out and agreed to across the Department was a significant accomplishment. And we've now put together the necessary computer programs that will extract the information from each of the litigating divisions' individual case management systems and dump that into the Department's case management system so we can have an overall prospective of our cases.

Mr. EARLY. Okay.

Is this departmental case management system being done

through AMICUS and Project Eagle?
Mr. COLGATE. No, sir. The AMICUS and Project Eagle is a uniform office automation system. What that system does is allow you to enter from that workstation into your component's case management system. For instance, in the Civil Division, you can enter from your AMICUS terminal, right into their case management system, and then extract data. We will have the capability, through those terminals, of accessing the Department of Justice's data center. So the AMICUS workstation really is just a terminal that gets you into the system.

CASE MANAGEMENT SYSTEM COORDINATION

Mr. EARLY. Are you coordinating the Civil Division's case management system in AMICUS with the initiatives by the Land and Natural Resource Division?

Mr. Colgate. Each one of our components has developed their own case management system. What we've done is put together a case management working group, so we ensure that we have all the same definitions and that we go about it exactly the same. We don't want to tie each other in knots, and not able to access the necessary data.

Mr. EARLY. Mr. Smith, I think Mr. Colgate, who's involved in the Department's automation efforts, is the only one working in this

outfit. [Laughter.]

Mr. Early. Actually, you gave a nice description for a layman, and I really appreciate it. If I can follow up, I really think, Mr. Christensen, that this shows you what can be done by implementing automation.

With that, we are going to conclude this part of the hearing and

we will go on to the United States Attorneys.

Mr. CHRISTENSEN. Thank you, Mr. Early.

[The following questions were submitted to be answered for the record:

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

General Legal Activities

Criminal Division

QUESTION: The Criminal Division maintains the same program levels as in FY 1989 in spite of rising workload, and in spite of the presence of such extremely important issues as defense fraud, bank failures, the savings and loan crisis and other major fraud cases. Why is the Criminal Division not requesting funds commensurate with their increased workload?

ANSWER: The Department, in general, and the Criminal Division, specifically, can no longer approach its response to emerging issues with a strategy that assumes the availability of increased resources. A request for resource enhancements cannot be considered the first option in dealing with new or expanded program initiatives; it must be viewed as the "last resort." The constraints imposed by the Gramm-Rudman-Hollings targets as well as the Administration's dedication to fiscal responsibility requires the exhaustion of all possible management and administrative solutions within existing resource levels prior to consideration of funding enhancement requests.

The Criminal Division has had remarkable success, in recent years, in its ability to channel base funding resources to the highest priority program initiatives, thereby limiting requests for funding increases to those initiatives for which an extraordinary level of new resources is the only solution. Through carefully considered resource management decisions and the development of prosecution strategies that correctly involve prosecutors at all levels of government, the resources available for the War on Drugs have been leveraged into a greatly expanded program. To supplement these internal achievements, the Congress has appropriated additional funds for the Division to be expended in the specific areas of asset forfeiture and civil enforcement. More recently the emphasis on fighting white collar crime, particularly fraud in our nation's financial institutions, has resulted in a proposal for supplemental funding for this initiative. Those funding enhancements are appropriate given the level of response required to combat these crimes.

INTERPOL USNCB

QUESTION: Why is the increase required for INTERPOL?

ANSWER: The United States National Central Bureau's (USNCB) request for a \$869,000 increase is primarily to address technological and telecommunications needs that are critical if the USNCB is to maintain service delivery at acceptable levels.

In 1989, two programs, the INTERPOL/US/Canadian Interface and the Caribbean/Central America Telecommunications Network, will become operational and will dramatically increase the message traffic the USNCB must process. On a daily basis, more than 2,500 messages are expected to pass through the INTERPOL/US/Canadian Interface, and the Caribbean/Central America network holds the potential for as many as 300 messages per day directed to the United States. The USNCB's present configuration of telecommunications equipment, now more than five years old, is operating at maximum capacity; it is extremely doubtful that it can successfully accommodate a workload increase of the proportion anticipated. This has been identified by the Attorney General in his Internal Controls Report as a significant concern of the Department, and resources for equipment upgrade and replacement were requested in 1989 and are requested again in this submission.

In addition to telecommunications needs, the USNCB's criminal data base routinely requires system updates and modifications to comply with changes in both domestic and international data management protocols. Requested resources would allow the USNCB to accommodate these changes, an example of which is INTERPOL's recent adoption of standard message formatting.

The USNCB must also employ data management tools such as the Apollo multipurpose workstation and a local area network to accommodate workload increases without corresponding increases in workyears. The Apollo system, developed by the FBI to format a single query into the many different protocols and applications required by various criminal data bases, will eliminate the need to retype data. This would not only save time, but also reduce the chance of error. Further, the system would take advantage of the millions of dollars in software development already spent by the Federal Government.

With the advent of the projects described above and increased use of the INTERPOL channel by State and local law enforcement, technological and telecommunications resources are essential if the USNCB is to do its job.

QUESTION: Why is INTERPOL earmarked in language?

ANSWER: As a policing entity dealing directly with international and domestic law enforcement agencies on a daily basis, the USNCB functions very differently than the litigating Divisions that comprise the General Legal Activities appropriation. Correct placement of the USNCB has been a concern at the Department since its transfer from the Department of Treasury in 1977, and the Department is anxious to afford the USNCB the review and oversight its program deserves. Through earmarking, Congressional attention can be drawn to the USNCB's resource needs and its impact in international law enforcement.

THURSDAY, MARCH 2, 1989.

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UNITED STATES ATTORNEYS

WITNESSES

- ROBERT G. ULRICH, UNITED STATES ATTORNEY, WESTERN DISTRICT OF **MISSOURI**
- LAURENCE S. MC WHORTER, DIRECTOR, EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
- JAMES G. RICHMOND, UNITED STATES ATTORNEY, NORTHERN DISTRICT OF INDIANA
- HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-**TRATION**
- MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER
- ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

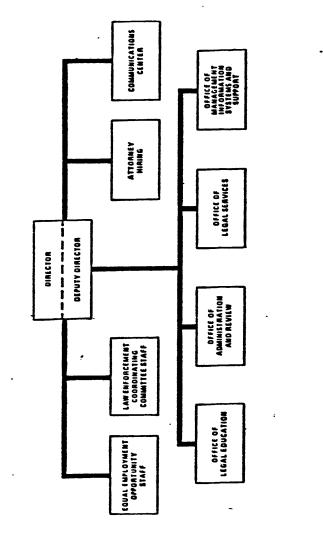
INTRODUCTION

Mr. Early. We will now hear testimony on the United States Attorneys. The U.S. Attorneys request \$454,279,000 for fiscal year 1990. We will insert in the record, at this point, the U.S. Attorneys fiscal year 1990 budget justification. [The budget justification follows:]

Page Number	122 6 5 5 4 3 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	22 23 31 32 31
ă ži	Froposed Changes in Appropriation Language 9 Changes remember Program rese by Program and Performance ation on Administration of Multi-Activity Program Changes	
I tem	Organization Chart Summary Statement Justification of Proposed Changes in Appropriation Language Crosswalk of 1969 Changes Summary of Requirements Summary of Requirements Summary of Requirements Criminal Litigation Criminal Litigation Legal Education Organized Crime Drug Enforcement Management and Administration Debt Collection Justification of Multi-Activity Program Changes	Financial Analysis - Program Changes. Priority Ranking. Detail of Permanent Positions by Category. Summary of Change. Justification of Adjustments to Base. Summary of Requirements by Grade and Object Class.

Department of Justice United States Attorneys Estimates for Fiscal Year 1990

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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

Approved by: William Milliam General Charles Bill By

United States Attorneys

Salaries and expenses

Summary Statement Fiscal Year 1990

The U.S. Attorneys are requesting for 1990 a total of \$454,279,000, 6,105 persament positions and 6,041 workyears. This excludes \$45,789,000, 669 positions and 652 workyears for the Organized Crime Drug Enforcement (OCDE) Task Porces which are being transferred from the appropriation to the OCDE appropriation and will be funded on a reimbursable basis in 1990.

The primary mission of the U.S. Attorneys is to execute the function of being the principal litigators of the U.S. Govornment. It is their task to prosecute those who make would further their private interests at the expense of the general welfare, to proceet the legitimate powers of the fealeral Government from those who would warp such powers, and to assert affirmatively, through the obtained powers of the fealeral Government from those who would warp such powers, and to assert affirmatively, through the obtained by the Asterial and the Asterney General. This mission is accomplished by 94 district offices in the United States, Puerto Rico, the Virgin Islands, Quam and the Northern Marianas. The U.S. Astorneys' appropriation makes [Asterney Management and Administration, and Debt Collection. Requests for increases to accomplish major initiatives in these decision units are summarized below.

Hanagement and Administration

An increase of \$1,105,000, 25 positions and 13 workyears is requested for Project Eagle to provide an integrated office automical systems of the experienced treamotus growth in their case and edenistrative workloads which demands efficient technology. The Project Eagle equipment will replace various choolete and deteriorating work stations with an integrated system which will serve the following functions: wordows processing, littlefation and administrative support, legal research and case management. This advanced automation system will benefit both attorney and support personnel. The additional funding and positions will enhance the implementation process and training of the U.S. Attorney field offices on the Project Eagle equipment.

Debt Collection

The U.S. Attorneys are requesting \$5,000,000 to develop a more aggressive and effective debt collection program in the Department of Justice. Debt collection activities have been declared a priority initiative in order to return significantly more morey to the U.S. Treasury. Through the administration of a \$5,000,000 Debt Collection activity, the U.S. Attorneys will devote activity in improve the performance of all Department personnel involved in debt collections. This will provide non-personnel more of all Department personnel involved in debt collections and will naw will provide non-personnel more for debt collection work and will have morey activate of basic collections, affirmative financial enforcement, legal systems, management, evaluation, and national, actes and district requirements. The activity will also finance also is accollance sisted and as autioner fees and expenses. Costs related to maintaining and property or businesses which have been seized and are to be soil, advertising costs for property asles, title searches, survey costs, upfront expanses for receivers of property, credit buses reports, apprehenses, financial investigators, lock box fees for direct deposit by debtors, costs attendant to contracting for services for financial enforcement, financial deta analysis for complex cases, and internal Revenue Service offset costs—<u>e.g.</u>, telephone, mailing, letter production.

washing a second

United States Attorneys

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

\$449,279,000

For necessary expenses of the Offices of the United States Attorneys, [\$391,212,000], Aud in addition \$5,000,000 shall be available until September 30, 1991, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection.

[2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit resports and other investigations, and (3) paying the costs of sales of property not covered the sale proceeds, such as suctioneers fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs.

(28 U.S.C. 519, 541-550, 48 U.S.C. 1424, 1617, 1694; Department of Justice Appropriations Act, 1989; additional authorizing legislation to be proposed.)

[For an additional amount for "Balaries and expenses, United States Attorneys", \$39,000,000, notwithstanding any designations contained in other titles of this Act is Provided, That of the amount appropriated, \$22,000,000 shall be for asset forfeiture and civil enforcement actions leading to the forfeiture of saized assets.] (Urgent Supplemental Appropriation Act of 1969 to Meet the Dire Emergency Created by the Crisis of Drug Abuse.)

Explanation of change

- . The first change includes language which would permit the U.S. Attorneys to spend up to \$5,000,000 for the Department of Justice Debt Collection activity.
- The second change deletes language which was included in the Urgent Supplemental Appropriation Act of 1989.

United States Attorneys

Crosswalk of 1969 Changes (Dollars in thousands)

	1989 Prosident's Budget Reguest		Congressional Appropriation Actions on 1989 Request	riation riation son soues	# 8 #	Adjustments in Perm. Pos. 6 Workyears	ments B.	Repr	8	ejude	1969	Approp	riation	
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Civil Litigation	2,196 2,077	131,382	-17	õ	-3,115	å	ş	::	:	:	1,84	1,939	128, 267	_
Legal Elucation	25	3, 123	:	:	329	:	:	:	:	:	2	*	3,452	
Organized Crime Drug Phforoument	619 551	37, 105	25	ê	4,690	-51	Ŗ	:	:	:	ŝ	594	41,795	
Management and Administration	149 176	15,888	:	:	Z	:	:	:	:	:	148	176	8 176 16,235	_
Total	6,524 6,162 424,418	10,000 424,418	ij	:[3	443 -10,000 443 35,794	題	:E3:	ii: ii:	1:	1	6,33	6,445	6,730 6,445 486,2112	

Congressional Appropriation Actions. Resource levels approved in the Dopartment of Justice Appropriation Act of 1989 disallowed all of the 566 new positions requested for White Collar Crime, Nercotics and Dangerous Drugs, Official Corruption, Imagestion Rockies, Children and Dangerous Drugs, Official Corruption, Images Rockies, Children and Legal Education. However, Congress appropriated supplemental funding of \$19 million in 1989 for the U.S. Attorneys to implement the provisions of the NAI-Drug Abuse Act of 1988, and approved a transfer of \$30 million from the Assets Porteiture Punt. The Spropriation in new funding allows for 940 positions and 716 workyears. The appropriation language in the applicamental appropriation requires that \$22 million "shall be for Asset Porteiture and Civil Enforcement functions leading to the forfeiture of setzed assets."

Adjustments in Permanent Positions and Workyears. These reductions reflect a one-time under utilization of 147 positions and 139 workyears in 1988 that were carried forward into the 1989 base. In addition, A-76 management savings of 21 positions and 21 workyears are reflected in 1989.

United States Attorneys
Salaries and expenses
Gummary of Meguirements
(Dollars in thousands)

Adjustments to base: Department of Justice Appropriation Act, 1989 Anti-Drug Abuse Act of 1989 Transfer from Assets Profeiture Pund Adjustment in persuanent positions and workyoars 1989 appropriation antidipated Transfer to an if from Activities Appropriation for Criminal finos collection. Transfer from General Legal Activities Appropriation for Criminal finos collection. Handstory increases.	Prietion A Piture Puriture Pur	d and work and work frug Enfor	ynarë cement Pr ropristion f	yram for crim for Pinano	S S S S S S S S S S S S S S S S S S S	us collect	5			200 - 100 -	Years 5,443 -652 -652 -652 -652 -652 -652 -652	Accure \$391,212 30,000 30,000 46,212 46,788 41,657 33,133 449,263
	6861	1989 Appropriation Anticipated	at lun		1990 Base	2	_	1990 Estimate	ns te	Inc	Increase/Decrease	10386
Estimates by budget antivity	Por B.	쉵	Anount	ž 2	≩l	Amount	Poe.	≩l	Anount	808. E. S.	훜	Anount
1. United States Attorneys	6,730		6,445 \$460,212	6,208	6, 156	\$449, 265	6, 105	6,041	\$449,279	-103	-115	\$14
2. Debt collection	27.30	6,445	460,212	6,208	6,136	449,265	6,105 6,041	6.01	\$,000		Ħ	5,000
EOY Exployment: Full-time permanent Other	6, 180 6, 180 6, 180	ğ : :::	70tal 6,400 390 6,790	5,892 390 6,283	Rei 16 663 663	Total 6, 561 5, 951	5, 789 6, 179	Re 1 mb.	104a1 6,458 6,840	Approp. -103	Rel 185	-103

United States Actorings Salaries sixt examines Surviy of Resources by Program

					1989 Arm	1989 Approprietten									
	Perm.	Darit ed	Perm.	tuni	Porm.	Anticipativi	Perm.	O Illian		61.0	V FeL	Perm.		Increase/Docrusse	1480
Estimates by Program United States Attentions		Amint	F.16.	Acoust	F	/ Amount	<u>.</u>	≩:	Annairi	Pod.	≩:	America		≩:	WESTO
Criminal Litagatam	3, 242 3, 12	1 \$2.79, 366	3, 242 3, 104 \$200, 194	1 \$200,134	3,940 3,7	3,940 3,732 8270,463	10.4	3,968	7 3,968 \$293,152	3,931	3,882 \$	292, 421	÷	*	-\$731
CIVIL Litigation	2,024 1,94	120,531	2,024 1,93	120,432	1,96,1	19 128, 267	ō, 2	-, se	135, 189	1,992 1,952	1,952	134,64	9.	÷	-305
Organizat Crime Drug	× × -	2, 723	ž %	12,721	%	3,452	~	₹	3,700	₹	2	3,689	7	7	7
Faforcation	\$19	32,016	519 483		650			:	:	:	:	:		:	:
Hunsyement and Admin		15,703	\$21 P¥1	15,691	143 176	76 16,235	<u>.</u>	1.76	17,224	99	₹	18, 285	2	60	1,06,1
Debt Collection	5.958 5.750	- ecc. 584	380.339 8.730	380.028	340.028 6.730 6.445	15 26 213	200	12.19	150 2 201 2 1 255 1 2 105 2 151 3	501.3	: 50	27,5,000	- igi-		2007
					2			?					3		
Reimbursible Workyears Total Workyears	5,755		5,726	-1-	6,445	;io		6,608 6,608		~	652 6 ,693			Ħ.	
Overtiae: AUD: Other: Total Campersable Morkysers:	12 4.		34,255		- X- 084.9	3ri St		9,6,843		, ,	34.			-115	

United States Attornogs Bularios und ospensos Justifical En of Progress and Porformuce Activity Resource Sussery (Dollars in thousands)

Amount	-\$731
≩İ	ģ
į	\$
Arount	\$292,421
≩İ	3,882
2	3,931
Amount	293,152
뉡	9,968
8	4,017
Amount	270,463
뉡	,732 \$
	3,940
	Criminal Litigation
	Pos. MY Amount Pos. MY Amount Pos. MY Amount Pos. MY Amount

LONG-RANGE GOAL! TO identify, invostigate, prosecute, and convict those parsons and legal entities who have committed difference against the laws of the United States.

Major Objectives:

To identify, investigate, prosecute and convict those controlled substances violators whose organizations and conspirators do not meet Organized Crime brug Enforcement criteria but whose activities have a major adverse impact on the quality of life in local communities—especially those communities whose law enforcement resources are not adequate to address the problems presented.

To identify, investigate, prosocute and convict those within and outside the government of the United States who are criminally involved in fraud against the United States, waste the United States' assets and resources, and abuse the responsibilities of an employment office or contract with the United States.

To increase and intensity Pederal law enforcement efforts in major bank fraud and emberalement cases with primary emphasis on those cases involving losses in excess of \$100,000; similarly to increase enforcement efforts involved in protecting the integrity of the nation's financial markets against fraud, inside trading and other related abuses.

To increase investigations and prosecutions involving bankruptcy fraud which will result from the increased responsibili-ties and resources of the U.S. Trustess.

To investigate and prosecute cases arising from the recent legislation involving imalgration reform.

To increase enforcement efforts against the purveyors of child pornography and patently obscene exterials.

To vigorously and promptly support the efforts of the Internal Revenue Service and Tax Division to defeat the devices of those who seek to avoid lanful taxation.

base Program Execription: The 1990 criminal litigation hase includus 477 positions in the narcotics and dangerous dings area that were funded in 1989 as a result of the Anti-Drug Ansee Act of 1988 and a transfer of \$30 million from the Assets Forfeiture Fund. Those positions are annualized in 1990.

The Anti-Drug Ause Act of 1948 enrankes \$22,000,000 of the additional resources for asset forfulture/civil enforcement actions leading to the forfulture of scienal assets. This amount supports 350 praitions. The U.S. Attorneys' offices are resumbable to examinating sections is restrained sequesting testeral process. The state of criminal sequesting restraining orders and seizure warrants; presenting orders and seizure warrants; presenting orders during trial process. Those responsibilities associated with civil forfeitures generally include; filling complaints; requesting warrants of arrests in real providing notice; filling notices of the providing notice; filling notices of the parties through the ancilly include; filling complaints; requesting discovery; presenting elegancies. Assets forfeiture orders. Assets forfeited may be shared with state and local law enforcement agencies. The consolidation of these resources and intelligence results in more sophisticated and comprehensive investigations of complex cases that might not otherwise be prosecuted.

Most alleged violators of Paderal criminal laws are reported to the U.S. Attorneys by one of the several Foderal investigative agencies. A few violations are reported to U.S. Attorneys by citizens, and others come to the attention of U.S. Attorneys in the course of prosecuting rolated criminal excudent. After considering various factors, a decision to Example of appropriateness of Federal presecution. The U.S. Attorneys then become responsible for engaging in the established legal procedures for the purposes of obtaining a conviction of alleged violators of Pederal criminal

Except for misdementor offenses and instances in which the defendant walves his/her right to a grand jury indictment, the evidence against an alleged offerwier is presented to a grand jury, and the jurors make the final, official decision for prosecution by vocing on an indictment proposed by the U.S. Attorney, Following the delivery of an indictment, the U.S. Attorney is responsible for presenting the charges at the arrangements of the defendant and for participating in preliminary hearings concerning such issues as the defendant's that is the defendant of the indictment, the forfeiture of the defendants property, the competency of the defendant, and the admissibility of evidence. Although barely 10 percent of all criminal prosecutions are concluded by a trial, the U.S. Attorneys must always be prejared to go to trial to avoid the risk of dississal for noncompilance with Speody Trial Act time limits and to negotiate edfectively with defense coursel for a guilty plea by the defendant. Whepever the defendant is unwilling to admit will convince the jury of the defendant's guilt and then sustaining the conviction at post-trial hearings and appeals at the Court of Appeals level are hardled by the U.S. Attorneys may be required to participate in oral arguments before the Aywellate court. If further proceedings are required to the U.S. Attorneys may be called upon to assist the Department's legal divisions and the Solicitor General in preparing the case for review by the U.S. Supreme Court.

Accomplishments and Workload: Accomplishments of the Criminal Litigation program are presented in the following table:

Bons.

			ω.	Estimates
Item	1987	198	1989	1990
Matters pending, start-of-vear	63, 169	62,202	61,173	59,473
Whiters received	86,633	44,16	96,000	100,300
Matters terminated	87,600	92,473	97,700	101,300
Matters pending, end-of-year	62,202	61,173	59,473	58,473
Cases pending, start-of-year	30,568	31,384	35,491	39,191
Cases filled	34,663	37,192	42,700	46,300
Cases terminated	33,847	33,085	39,000	43,000
Cases pending, end-of-year	31,384	35,491	39, 191	42,491
Grand fury proceedings	19,263	20,184	22,470	24,370
Cases tried	3,635	3,473	4,200	4,600
Defendants charged	45,018	48,213	55,350	60,020
Gross Fund Receipts Deposited to the Assets Forfeiture Fund	:	:	\$450,000,000	\$470,000,000
*Includes administrative forfeitures, which are processed by the investigative agencies, and judicial forfeitures,	the investigat	ive agencie	s, and judicial	forfeitures,

*Includes administrative forfeitures, which are processed by the investigative agencies, and judicial forfeitures, which are handled by the U.S. Attorneys' offices. The U.S. Attorneys expect to effect an incremental increase in gross fund receipts deposited to the Fund by \$210 million in 1989.

The Criminal Litigation program objectives are accomplished through the work of 94 U.S. Attorneys' offices, each of which has responsibility for the investigation and prosecution of a wide range of proscribed criminal behavior. Actual and setimated accomplishments are reflected above in the Accomplishment and Workload Summary. This includes 3,988 criminal appeals filled. The greatest volume of fillings in 1988 were in controlled substance 86.12, fraud against Government 1,952, immigration 1,520, weapons control 2,028, and mail and wire fitted 1,706. Cases terminated totalsed 33,085 in 1988. Of the 42,689 individuals prosecuted in these cases, 30,871 defendants made pleas of guilty; 4,562 were found guilty after trial; and 1,007 were found not guilty. The number of defendants tried increased by 11 percent over 1987.

As a result of the additional resources provided in 1989, the Criminal Litigation program will reflect substantial workload growth in both 1989 and 1990. Case fillings in the drug law enforcement area will rise in direct proportion to attend resources added. Concomitant with the drug law fillings, there will be increases in asset forfeiture cases. It is anticipated that the increase in agents provided to the Drug Difforcement Administration and the Federal Bareau of Investigation in the Anti-Drug Abuse Act will lead to a rise in overall matters referred. The U.S. Attorneys should be able to address these metres and reduce the current backing since the attorney population will be growing in larger increases the han the agent population. Cases tried should increase due to tho reasons! (1) the increase in case fillings and (2) the recognition by opposing counsel of stiffer mandatory penalties provided in the recently enacted Sentencing

1990 Estimate Perm,	Pos. WY Arount Pos. WY Arount Pos. WY Arount 3,667 3,618 9269,637 3,581 3,532 8268,931 -86 -86 -8731
199	Orininal Litigation

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As a result of A-76 Management and Productivity initiatives, a reduction of 86 positions, 86 workyears and \$731,000 can be achieved. This change is reflected in the Malti-Activity Program Change exhibit.

		And And	1989 Appropriation Anticipated Brm.		Perm.	1990 Base	2	1990	Esti	1990 Estimate		ase/De	Increase/Decrease Pers.
		į	≩l	MY Amount	į	主	Pos. WY Amount	ğ	뉡	Pos. MY Amount	2	≩İ	Amount
Civil Litigation	:	1,967	,939 \$1	.28, 267	2,018 1	\$ 886,	135, 189	1,982 1	983	\$134,884	*	8	-\$305
Lorg Range Goals To protect and to advance the interests of the United States through the conduct of civil litigation.	ct and	to advar	ice the	interests	of the	Unite	d States	through	9 2	onduct of	civil 1	itigati	Ė
Major Objectives:													
To respond promptly and professionally to all suits brought against the United States, its officers and employees.	ofessio	nally to	a11 a	its broug	ht agai	를 다	e United	States,	its o	fficers ar	oldme b	, .	

To conduct affirmative litigation professionally and to recover for the United States all possible scnetary losses and compensation for damages suffered by the United States.

To support Federal programs, as necessary, by litigation and negotiation.

To collect monies owed to the United States.

To defend the United States against loss in bankruptcy and other proceedings in which the United States has a financial and other interest.

To represent the interests of the United States in affirmative and defensive environmental litigation.

To aggressively use new property forfeitures statutes to seize assets of drug and other offenders.

Base Program Description: Civil matters and cases consume a significant portion of the U.S. Attorneys' resources especially in the areas of recovery of money, defense of monetary claims and debt collection. The litigation brought against the Government cowers a tenge of causes of action including torts (dange suffered as a result of Government action—e.g., collision with a postal service vehicle, malpractice by a Government physician, invasion of privacy by a Government egent), the determination of social security benefits, tax refunds, contract violations, racial/semual/see discrimination, and To articulate completely and forcefully the positions of the United States on issues presented by the Courts of Appeals.

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habens corpus. The Government, on the other hand, initiates civil litigation against private parties for a wide rungs of purposes of its com. These purposes include the recovery of manuy from the Government by fraul, the acquisition of interests in land by eminent domain procoudings, the enforcement of administrative summenses, the enforcement of environmental, admiralty, civil rights and other laws for which there are civil law penalties, and the recovery of dubts owed to the Coveriment.

lar and

Accomplishments and Workload: The civil litigation workload of the U.S. Attorneys follows:

11cm	1908	1989 EACH INCHES	1990
9-10	95,610 101,168 25,632	97,600	97,600 103,200 15,132
Cases filed	89,838 99,434	000'66 66	91,000
Cases: pending 80%	153,501	145,001	135,201
Appeals filed	3,343	4,125 3,500	4,500
Triels	1,095	1,150	1,175

The above table represents statistics concerning the performance of work of 94 U.S. Attorneys' offices for civil litigation. Between 1987 and 1988, civil matters received from client agencies increased by 5.06 percent. Social Security Appeals matters with 12,214, Tax Lien matters with 12,214, Tax Lien matters with 13,214 and Torts matters with 4,415 comprised 12.8 percent, 14.7 percent and 4.6 percent respectively, of the matters received. Delegated General Claims matters amounted to 20,918 or 21.9 percent of the total.

During the same time frame, civil case filings increased by 6.7 percent and terminations increased by 14.9 percent. Of the cases filed, there were 20,433 General Claims cases, 13,743 fax Lien cases, 12,347 Social Security Appeals cases, and 4,210 forts cases. These categories constituted 23.6 percent, 14.3 percent and 4.9 percent respectively, of the cases filed.

In 1988, the U.S. Attorneys' offices collected \$217 million in cash from civil cases. Another \$362 million was recovered in in non-cash assets. The overall total of \$379 million represents a 28 percent increase over the \$451 million collected in

The Foderal Bureau of Investigation, responding to a client agency survey, estimated a 165 percent rise in civil referrals from 1987 to 1990 of which 75 percent will be strictly affirmative matters. A large proportion of the Federal Bureau of Investigation's referrals will be forfeiture actions.

1990 Base 1990 Estimate Increase/Decrease	982 1,932 8134,884 -36 -36 -8305
1990 Base	2,010 1,988 \$135,189 1
Program Changes	Civil Litigation

As the result of A-76 Management and Productivity initiatives, a reduction of 36 positions, 36 workyears, and \$305,000 can be achieved. This change is reflected in the Multi-Activity Program Change exhibit.

	1989 A	989 Appropriation	riation	19	90 Bas	9	198	Esti	Ate	Increa	se/Dec	rease	
	8	¥	Pos. MY Amount	8		t Pos. WY Amount Pos. WY Amount Pos. WY Amount	E 20	玄	Arount	2 2	≩i	Anount	
Legal Education	25	25	\$3,452	52	54	\$3,700	8	23	\$3,689	7	7	-\$11	

Long Range Goal: To improve the quality of Government legal representation.

Major Objectives

To provide effective, quality continuing legal education to an increasing percentage of the Federal attornays and other legal personnel.

To provide special training to meet policy priorities and special problems such as asset forfeitures, victim and vitness protection, and the Organized Crime Drug Enforcement Task Porces, which cross department and agency lines.

To offer video and audio tapes and other materials as a means of reaching a greater percentage of the Federal attorneys in district and regional offices of the Government, and to reduce the travel costs associated with Mashington-based continuing legal education.

Base Program Description

The Office of Legal Education (GLE) administers two institutes and one unit: The Attorney General's Advocacy Institute (AGAI), the Legal Education Institute (LEI); and the Legal Support Training Unit (LETU). The AGAI and LEI provide continuing legal education to Federal attorneys. All training courses and seminars have been certified for continuing legal education credits and are accredited in all states with mandatory continuing legal education requirements.

The potential audience for continuing legal education includes more than 27,000 attorneys. The primary vehicle for providing instruction to Department of Justice attorneys, U.S. Attorneys and Assistant U.S. Attorneys is the AGMI. The MF-3 utilizes experienced Federal trial attorneys as instructors. The instructors deliver advocacy lectures, lead discussion groups and conduct exercise sessions. Federal judges also participate at the AGMI, presiding over most trials and mock appellate arguments. The caliber of AGMI faculty and the use of sophisticated videocaping facilities provide students with unique advocacy training. A significant feature of the training is the use of "learn-by-doing" exercises

which concentrate on courtroom skills. The exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis. By conducting courses in Mashington, D.C., AGAI also introduces new Assistant U.S. Attorneys, and the Department's legal division attorneys, to the policies and operational practices of the department of Justice. Specialized seminars are also offered in conjunction with the litigating divisions of the department and other executive agencies. These short seminars are held in Mashington, D.C., and in locations around the country.

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The LEI directs its program to all attorneys in the Executive Branch. LEI offers skills training in trial advocacy, basic and advanced negotistion techniques, administrative advocacy and a wide variety of substantive subjects. Administrative and countroms advocacy skills are taught through workshops during which exercises are videotaped for critical analysis by persistenced practitionars. Federal attorneys and other legal personnel are not only participants but are also advisors, curriculum developers, and teachers of the LEI program. The programs are held primarily in Washington, D.C.

The LGTU was formed to administer training programs for legal support personnel. LGTU offers skills training and substantive course training for paralegals, legal technicians, and other legal support staff. The LGTU utilizes experienced Federal attorneys, law echool professors, and legal support personnel as instructors in its programs. The programs are held primarily in Washington, D.C.

OLE maintains a video and audio tape library, containing more than 400 video and audio tapes. These tapes are of the CLE lectures and demonstrations as well as commercially prepared instruction tapes (e.g., National Institute of Trial Advocacy prepared tapes). These tapes are circulated among the Department of Justice, the U.S. Attorneys' office, and the executive departments.

Accomplishments and Markload: The accomplishments and workload of the Legal Education program are presented on the following chart:

			Esti	Rat imates
Item	1987	1988	1989	1990
Advocacy Institute (AGAI):				
Criminal sessions offered	£	v	Φ	-
Advanced criminal law sessions	~	~	S	4
Civil law sessions offered	ĸ٥	9		•
Appellate sessions offered	ო	m	~	~
Total courses offered ACAL	15	11	22	19
Students receiving AGAI				
instructions	1,394	8	1,085	925
Students receiving private			•	
sector training paid for				
by 00.8	500	8	9	8
Specialized seminars conducted	18	ଛ	31	E
Students participating in				
specialized seminars	1,673	2,710	3,500	3,500

			28.2	Cacimates
Item	1907	1988	1989	1990
Legal Education Institute (LEI), Total live courses by LEI.	53	\$	45	45
	3,400	3,273	3,498	3,498
Total video courses by LEI	31	%	%	%
Total number of participants	1,364	1,257	1,257	1,257
Legal Support Training Unit (LSTU):				
Total courses offered by LSTU	:	=	=	=
Students receiving LSTU				
instructions	:	4 60	94	94

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Due to the increase of 471 new AUSA positions in 1989, the number of students receiving training in both basic and specialized seminars will increase. Additional courses in Asset Porfeiture training are being added in response to Congressional earmarking of \$22 million in the 1869 supplemental for the purpose of enhancing asset forfeiture/civil enforcement efforts. These courses will address litigative skills necessary for 175 new AUSAs who will specialize in this area.

1990 Estimate Perm.	Anount Pos. WY Anount Pos. WY Anount \$3,700 24 23 \$3,689 -1 -1 -1 -\$11
1990 Base Perm.	Pos. WY Amount 25 24 \$3,700
Program Changes:	Legal Education

As the result of A-76 Management and Productivity initiatives, a reduction of one position, one workyear, and \$11,000 will be achieved. This change is reflected in the Multi-Activity Program Change exhibit.

	1989 A	1989 Appropriate	riation	19	1990 Base		Per 19	1990 Estimate	imate	Increase/Decrea	90/98	crease
	Pos.	ξĺ	Pos. WY Anount	8	ξĺ	Poe. WY Amount	8	≩İ	Pos. WY Amount	8	š	Pos. WY Anount
Grganized Crime Drug Enforcement	920	3 8	650 594 \$41,795	:	:	:	:	:	:	:	:	•

*Totals of \$45,788,000, 669 positions and 652 workyears will be transferred to the Organized Crime Drug Enforcement appropriation in 1990.

Long Range Goal: Through the coordination of Federal, state and local law enforcement, identify, investigate and prosecute members of high-level drug trafficking enterprises, and to destroy the operations of those organizations.

Major Objectives

To prosecute individuals who organize, direct, finance or are otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.

To promote a coordinated drug enforcement effort in each Task Porce area, and to encourage maximum cooperation among all drug enforcement agencies.

To work fully and effectively with State and local drug enforcement agencies.

To make use of financial investigative techniques, including tax law enforcement and forfeiture actions, to make possible government seizure of assets and profits derived from high-level drug trafficking.

Base Program Description: The 1990 Organized Crime Drug Enforcement (OCCE) base includes 153 positions that were funded In 1989 as a result of the Anti-Drug Abuse Act of 1988 and a transfer of \$30 million from the Assets Forfeiture Fund. The workyears for the new positions are annualized in 1990 and reflected as part of the total transfer of this program to the Organized Crime Drug Enforcement appropriation.

Š The COSE program implements a major Administration initiative to combat organized crime and drug abuse. The program represents the utmost degree of cooperation and coordination among federal, State and local law enforcement agencies. On the key elements of the program is the establishment of the thirteen regional task forces to fight drug trafficking. The regions identify, investigate and prosecute members of high-level drug trafficking enterprises to destroy the operation of those organizations. The range and nature of the investigative techniques requires continuing and intensive participation by Assistant U.S. Attorneys (AUSAs) in the devalopment of investigative strategy and in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible.

Accomplishments and Workload: The OCDE workload of the U.S. Attorneys follows:

			ESCI MACES	2010
Item	188	8	8	86
Cases initiated	\$	471	544	559
Cases in which indictments are returned	2 4	<u>2</u>	653	1/9
Indictments returned	1,176	1,332	1,541	1,583
Defendants Indicted	3,492	4,749	5,501	5,651
Defendants charged with Racketeer Influenced and Corruption Organization (RICO)	262	155	165	170
Defendants charged with Continuing Criminal Enterprise (CCE)	2,179	2,070	2,420	226 2,486

뒿 The above table presents data concerning the performance of the Organized Crime Drug Enforcement Program in 1988 as compared to 1987. Because attorney worklyaars were reduced by 8 in 1988 for lack of funding, the number of defendants charged and convicted decreased alightly from 1987. Even with the reduction in workparts, ODE attorneys as aized cash, property in 1988 totaling \$349,101,000, which is more than ten times the amount spent on funding the program during the fiscal year. Of the amount seized, \$106,432,000 in cash and property has been forfeited. In 1989 and 1990, the workload is expected to increase as a result of the increases provided by the Anti-Drug Abuse Act of 1988. The CCDE attorneys continue to go after the principal leaders involved in the importation and distribution of drugs. For example, in 1987, a Continuing Crisinal Enterprise (CCE) count was lodged against Oscar R. Smith for his role as "Kingpin" at a long-standing organization. Over 200 kilograms of cocain was targorted from South Florida and distributed in the Eastern District of Virginia. The investigative techniques employed were investigative grand jury, tax grand jury, tax grand jury, in the investigative pressure and immarity. Smith was sentenced to life imprisonment without parole and \$500,000 financial investigation, per registers and immarity. Smith was necessary and a residence and airplane, \$331,000 for an aborted marijuana deal in the Southern District of Texas, and a farm in the Hiddle District of Louisiana which was to be the site of a cocaine conversion lab. In May 1988, after the long term efforts of the OCDE attorneys, Carlos Lehdor Rivas was convicted of running a schisticated drug sampgling conspiracy that imported hundreds of millions of dollars worth of cocaine into the United States in 1979 and 1980. The conviction is considered the most aucosasful assault on the powerful Medallin cartiest, as a violant complomente that controls as much as 80 percent of the cocaine that has flooded the United States in recent years. The jury returned verdicts of quility on 11 counts of a 1981 indictment involving about 3.3 tons of cocaine secretly flown cocaine sampgled into the United States over an eight-year pariod ending about 1985. Lehder was sentenced to life implication and OCE charge and consecutive sentences on the other counts. A prospective follow-up case indictment is expected which will include charges against other key members of the Medellin cartel.

	Ant Ant	989 Appropriat	or lation sted	Per 19	8	9	199 Perg.	990 Estimat	Inste	Increase Perm.	ă)	1.6986	
	8	≩!	Pos. WY Amount	<u>\$</u>	≩l	Pos. WY Amount	Š	≩l	MY Anount	8	Ì	W Amount	
Management and Administration	148	176	148 176 \$16,235 148 176 \$17,224 168 184 \$18,285 20 8	148	176	\$17,224	991	18	\$18,285	8	8	190'1\$ 6	

Long-Range Goal: To provide consistent direction and appropriate distribution of resources to the U.S. Attorneys and to respond promptly and efficiently to the administrative and management needs of the 94 U.S. Attorneys' offices.

Major Objectives:

To provide management, leadership and direction to the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices. To coordinate the successful implementation of all 94 district Law Enforcement Coordinating Committee plans.

To represent the interests of all U.S. Attorneys in the development of Department of Justice policy and to support system-wide consistency in the conduct of federal litigation.

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To conduct fleld review, management audit and performance evaluations of each U.S. Attorney's office.

To formulate and execute an operating budget to satisfy the operational needs of U.S. Attornoys' offices.

To formulate and implement Equal Employment Opportunity plans.

To formulate and exercise personnel management policy and authority in order to obtain the most qualified individuals for positions in the U.S. Attorneys' offices.

To provide all administrative support necessary to obtain adequate space and equipment.

To complete the design and implementation of a caseload management system and to make available optimal office technology for the U.S. Attornsys.

To provide policy direction that will result in optimal efficiency in the collection of debts owed the dovernment.

Base Program Description: The Management and Administration program encompasses all of the Escoutive Office for U.S. Attornsys (EDEA) with the exception of the office of Lagal Education. The EDEA provides general assistance and appraisation to the 90 U.S. Attornsy's Offices, and coordinates and directs the relationship of cuber organizational units of the Department with these offices. Through the Office of Information Hangement, the EDEA provides U.S. Attornsys offices with the information and automated information management, the EDEA provides U.S. Attornsys offices with the information and every the EDEA assists U.S. Attornsys in recognizing improvements that can be made in the use of professional personnel while reducing the cost of operating a U.S. Attornsy's on concerns such as legislation, regulations and departmental guidelines. In addition, the EDEA has responsibility for implementing affilmative action programs within the U.S. Attornsy's offices while management and oversight to U.S. Attornsy in the conduct of their debt collection atterforms of the EDEA provides direction and oversight to U.S. Attornsy in the conduct of their debt collection atterforms of the EDEA plan. These plans are the backbone of the EDEA atterforms, and implemented on organization and implementation and implementation of the EDEA conducting the EDEA and the EDEA and the U.S. Attornsy's offices and implementation of the EDEA conducting of the EDEA and the U.S. Attornsy's offices and implementation and implementation and implementations are the backbone of the Administration's efforts to join with State and local authorities in conducting plans are the backbone of the Administration's efforts to join with State and local authorities in program authority within the EDEA and the U.S. Attornsy's offices, the EDEA and the EDEA and the U.S. Attornsy's offices are personally and reportant and any personal operations are the EDEA. Finally, through its Financial Management athority is end to specific and the EDEA and the U.S. Attornsy's

Accomplishments and Workload:

Item	1987	1988	1989	Estimates 89 1990	
LECC Unit	1		} }		
a. Briefings on LECC activities and accomplishments	82	8	8	8	
 Defenical assistance/Speaker Bureau contracts Paramosi	3,477	3,000	3,000	3,000	
a. AUSA appointments	938	1.500	2.200	1.500	
	2.508	2,000	2.470	2000	
c. Position classifications completed	1,568	1,000	1,000	800	
_	44,357	40,000	40,000	40,000	
e. Security actions processed	7,219	8,700	17,000	10,000	
Equal Employment Opportunity Unit	i		•		
a. Informal complaints received	82	53	53	8	
	23	23	23	23	
Legal Counsel					
a. Freedom of Information requests received	1,525	1,600	7,600	1,600	
b. Freedom of Information requests completed	2,147	1,600	1,600	7,600	
Space renovations	9	263	445	445	
Requisitions for services and goods processed	2,328	2,400	2,450	2,450	
Purchase orders completed by EQUSA	1,748	1,900	1,950	1.950	
Office evaluation reports		35	4	2	
Pinancial transactions recorded	6,320	6,400	2,000	2,000	
Pinancial Litigation Staff					
	\$210,297	\$290,198	\$500,000	\$550,000	
b. Number of returns offset	474	000,6	10,200	10,200	
Office of Information Management				•	
a. PROMIS and USACTS II computer based systems	41	4	\$	3	
b. USACTS word processing based systems	47	47	47	47	
c. Project Eagle site implementations	:	:	m	3	

The Financial Litigation Staff (FLS) is responsible for providing technical, legal, and administrative support and debt collection training to the Financial Litigation United at Alcorney's offices. Fig. has also assumed responsibility for implementation of the asset forteiture contract which permits contractual hiring of litigation support personnel. In 1988, FLS coordinated with the field offices in implementation of a 5-point plan to reduce the backlog of uncollected debts. From Angust 11, 1987 to Angust 11, 1988, the backlog was reduced from 26,007 cases to 10,645 cases. The tax return offset program was expanded in 1988 to include civil judgments. This resulted in a nineteen fold increase in returns offset over 1987.

The Information Management office completed the development and implementation of new case management systems in \$1 U.S. Attorneys' offices. Work is complete on the caseload portions of this new central system and the new system was implemented on october 1, 1987. The information contained in these systems will be used to respond to requests for implemention and will be provided to the Justice Management Division (JMD) for inclusion in the Departmental case management system.

The accompliabments tablo contains a new workload statistic under information Management for the requested Project Eagle Office Automation System. The U.S. Attorneys are engaged in acquiring, through competitive procurement, multiple-function office automation equipment. This equipment will replace existing word processing equipment in all the U.S. Attorneys offices and will be capable of performing case tracking and other functions. This acquisition, undertaken in conjunction with two other Department components, has been named Project Eagle.

It is assumed that a contract will be awarded by March, 1989, and that Project Eagle equipment will be installed in three offices by the end of the year, including Information Management (within the Executive Office for U. S. Attorneys) and offices in the Eastern District of Pennsylvania and the Western District of Texas. In 1990, according to the current equipment installation schedule, equipment will be installed in seven U.S. Attorneys' offices per month for a total of 84 at the end of 1990. Installation of equipment will continue in 1991. In addition, the second generation of computer based case management software will be developed after the contract is awarded and will be programmed to operate on the equipment along with installation of optional additional equipment.

Perm. Perm.	Pos. MY Anount Pos. MY Amount	tion 148 176 \$17,224 168 184 \$18,285
		t and Administra

An increase of \$1,105,000, 25 additional positions and 13 FTE workyears is requested in 1990 to begin the implementation of the Project Eagle Office Automation System. The additional funding and positions will enhance the implementation process and the training of the U.S. Attorney field offices on the Project Eagle equipment. The proposed offices automation system will serve the following functions: case management: word processing: litigation; administrative support; and legal research. It will replace various limited function work stations now in U.S. Attorneys' offices. Initially, every support staff employee and 25 percent of the attorneys will be provided desk-top work stations with which to perform their responsibilities. Installation will commence in 1999, with total installation to be completed by 1992. Program changes also thoughty-program change exhibit.

crease	WY Amount	*** \$5,000
ee/De	到	:
Increa	2	:
mate	WY Amount	\$5,000
Esti	¥	:
1990	90	:
9	Amount	:
1990 Base	¥	:
	8	:
ristion	Amount	:
pprop ticipa	š	:
1989 I	8	:
		Debt Collection

Long Range Goal: To improve the collection of monies from individuals who owe the Federal Government billions of dollars in unpaid civil, criminal and tax debts.

Aajor Objectives

2 To establish a special Debt Collection activity to pay for specialized services needed to improve the effectiveness and efficiency of debt collection personnel.

; ;; To provide debt collection training to Department of Justice personnel.

To develop a more aggressive and effective Debt Collection Program throughout the Department of Justice nationwide

Base Program Description: The mometary recovery program of the Department of Justice has been declared a priority initiative in order to return significantly more momey to the U.S. Treasury. Through the administration of a Debt Collection activity, the U.S. Attorneys will devote monies to promote and improve the performance of all Department Justice personnel involved in debt collection functions.

Accomplishments and Workload: All debt collection accomplishments workload of 94 U.S. Attorneys' offices is included in the civil litigation decision unit.

	<u>6</u>	1990 Base	•	1990 Estimate	Est i	mate	Increase/Decrease	e/Dec	rease	
	Perm.			Perm.			Perm.			
gram Changes	8	¥	Pos. WY Amount	8	≩l	Pos. WY Amount	2		WY Amount	
t Collection	:	:	:	:	:	\$5,000	:	:	\$5,000	
increase of \$5,000,000 is requested to establish a special Debt Collection activity administered by the U.S. Attorneys. a activity, earmarked in the proposed appropriation languade, will dedicate certain non-personnel monies for debt	cial De nguage,	bt & vi11	llection dedicate	activity	ades in or	istered by ersonnel m	the U.S.	Atto	meys.	

collection work, thereby avoiding the necessity of having to choose in the allocation of resources between debt collection work and other litigation handled by the U.S. Attorney's offices. Often, an attorney in debt collections must decidine to seize property or take other extraordinary action to track dom a debtor or his property simply because the U.S. Attorney's litigation kidget is not sufficient to cover the expenses of maintaining property or performing tracing services on debt collection cases. An inc

This activity will make money available for training and special services related to debt collection. The Pirancial Litigation Units (formerly Debt Collection Units) are often staffed by lower grade and new personnel. The proper training of these workers is critical to their effectiveness. Specific training will include affirmative enforcement procedure and law, computer systems, work load management, coordination of national, state and district collection tools. Training will also be provided on debt collection topics to attorneys and paralegals throughout the Department of Justice.

The debt collection activity will also finance miscellaneous services such as suctioneer fees and expenses, costs related to maintaining and protecting property or businesses which have been seized and are to be sold, advertising costs for property sales, title searches, survey costs, uprican expenses for receivers of property, credit bureau reports, reparaisers, financial investigators, lock box fees for direct deposit by debtors, costs related to seizures, costs related to liens, financial enforcement litigation costs, costs attendant to contracting for services for financial enforcement, financial data analysis for complex cases, and IRS offset costs, e.g., telephone, mailing, letter production.

United States Attorneys

Salaries and expenses

Justification of Multi-Activity Program Changes (Dollars in thousands)

Item: Management and Productivity Savings

		A-76	
	₽8	Reduct ions	800
Program	Perm.	3	A
		il	
Criminal litigation	8	A.	-06 -06 -c711
Civil litigation	3 7	3 4	
Legal Education.	3	, S	5
Management and Administration	•	7	7
Total		ç	-5 -5
	-128	-128	189

In support of the Administration's Management and Productivity initiative, 128 positions, 128 workyears and \$1,091,000 have been identified as suitable reductions for contracting out to private industry.

United States Attorneys

Salaries and expenses

Financial Analysis - Program Changes (Dollars in thousands)

	Mgmt. &	.	Debt Collection	tion	Management Savings*	ement as*	- 2	Total
Item	Se.	Amount	S 8:	Amount	88	Anount	Pos.	Anount
Grades					···-			
GS-11	25	\$721	:	:	:	:	ĸ	\$721
GS-7	:	:	:	:	7	-\$936	7	-936
GS-6	:	:	:	:	د -	-579	÷	-579
GS-5	:	:	:	:	-32	-503	-35	-503
GS-4	:	:	:	•••	-15	-211	-15	-211
Total Positions and annual rate	8	721	:	:	-128	-2, 229	-103	-1,508
Lapse (-)	-15	-361	:	:	:	•••	-12	-361
Total workyears and personnel compensation.	13	88	:	::	-128	-2, 229	-115	-1,869 -318
Travel and transportation of persons		200		:		:		80
Transportation of things		m 0		:		:		۳ g
Standard level user charges		8 22		: :		::		8 22
Printing and reproduction		8 9				1.539		6.708
Supplies and materials		9		3:		:		91
Equipment		125				:		125
Total program workyears and obligations changes remarked, 1990.	2	13 1.105	:	2.000	-128	-1,091	-115	5.014

*Includes 5 positions, 5 workyears and \$44,000 in A-76 reductions for the Management and Administration program.

United States Attorneys

Salaries and expenses

Priority Rankings

Ranking	~ U C 4
Program	Criminal Litigation Civil Litigation Legal Education Management and Administration

Management and Administration Debt Collection Program Increases Program

United States Attorneys

 $[\gamma,v]$

Detail of Perminent Positions by Category Fiscal Years 1988 - 1990

			6961			0661			
Category	1988 1989 Authorized Authorized	1969 Authorized	Adj. in Perm. Pos.	Total	Murdatory Increases	Trans. in the Estimate		Program Program Increases Decreases	Total
Attorneys (905) Paraleyal Specialists (950) Segal and Kindred (900-998) Srialinal Investigative Series (1811)	2,720 385 979 10	3,191 478 979 10	\$:::	3,122 478 979 10	s : : :	120	::::	::::	2,820 318 979 10
Social Sciences, Economics and Kindred (100–199) Persunul Management (200–299)	78	78	::	28	::	::	::	::	38
Service (300-399)	1,812 12 12 8	2,188 12 8	የ ፡ ፡ ፡	2,089 12 8 8	F : : :	-137	* : : :	7. 2. 2. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3.	1,926 12 8 8
Total	5,958	968'9	-168	6,730	146	899-	25	-128	6,105
Mashington. U.S. Field.	5,785	173 6,725		173 6,557	146	97 9 <u>3</u>	.: 52	-128	165 5,940
Total	5,958	968'9	-168	6,730	146	199 -	25	821-	6,105
							_		

Arount	\$191,212 19,000 30,000	-45,788	1,667	5,871 5,871 1,775 2,0,7 2,0,7 2,0,7 3,1 1,1 1,1 1,1 1,1 1,1 1,1 1,1 1,1 1,1	454,279
Work- Years	5,889 716 	-652	159-	35 · · · · · · · · · · · · · · · · · · ·	160'9
Perm.	5,950 940 1.68 1.68 730	699 1	999-	3	6,105
United States Attorneys Salaries and expenses Sameary of Chingo (Dollars in thousands)	Department of Justice Appropriation Act, 1989. 1989 supplemental provided in the Anti-brug Abuse Act of 1988 Transfer from Assets Forfelture Pund. 1989 as enacted.	Adjustments to base: Transfers to and from other accounts: Transfer to the Organized Criem Drug Enforcement appropriation for "organized crime drug enforcement" Transfer from the General Legal Activities appropriation for crisinal fines collection.	Traines Staff operations Traines Staff operations Total, transfers	Adjustments to persavent positions and workysers Adjustments to the Anti-Drug Aurea Act of 1968 supplemental Annualization of 1969 pay supplemental Annualization of 1969 pay supplemental Repetal asince trees. Mitchin-grade increases. Mitchin-grade increases. Mitchin-grade increases. Matchin-grade increases. Matchin-grade increases. Pederal Beloyees Compensation Act (PSO)—Unemployment Compensation. Rederal Beloyees Compensation Act (PSO)—Unemployment Compensation. Rederal Deloyees Compensation Act (PSO)—Unemployment Compensation. GGA Fent. GGA Fent. GGA Fent and Paperoll services. Pederal Thelecomonications System (FTS) Telephone services. GPO Frinting coats. Pederal Peticing level adjustments. Security relinvestigations. Security relinvestigations. Security relinvestigations. Security relinvestigations. Security relinvestigations. Posta mandatory increases. Program Changes. Program Changes. Program Changes. Program Changes. Posta Challection. A-16 seduction. A-16 seduction. A-16 seduction. A-16 seduction. A-16 seduction. A-16 seduction.	1990 Estimate

4.5

United States Attorneys

(B)

Salaries and expenses

Justification of Adjustments to Base (Dollars in thousands)

Amount

Work-

Perm.

urrently	69	-652	-652 -\$45,788
for all costs associated with the others program. 2. Transfer from the General Logal Activities appropriation. 2. Transfer from the General Logal Activities appropriation. 2. Transfer from the Arabins of the function of Criminal Pines Collections.	-	-	7
ncial red	:	:	1,667
is based on estimated usage and will cover the cost of services performed by the POS. Beginning in 1990, the POS functions which include accounting, voucher processing, financial reports, etc. will be transferred to the Working Capital Fund and expenses will be charged back to each user organization.	93	159	-44,080
:	8	138	•
	:	224	10,120
Annual salary rate of 940 approved positions 1989 Increase Required 1989 Increase Required 1989 Increase 1989 Incr			

92

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Salating .

			1,030	2,077	23 23
Work-	÷	:	:	÷	÷
Perm. Pos.	:	:	÷	:	÷
	3. 1909 pay increase impact on 1990. This request provides for a portion of the pay increase of 4.1 percent as contained in the Treasury, Postal Services and General Government Conference Report on the 1999 appropriation, General Provisions, Title VI, H.K. 4775 for civilian and military personnel to be effective January 1, 1999. The Department will be required to absorb the total pay raise in 1999. The requested increase of \$5,811,000 is the amount required for half-a-year funding in 1990. The U.S. Attorneys will absorb \$0 percent of the costs of the January 1989 pay raise.	4. Special Salary Rates This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Porsornel Management (OPM) has approved these rates for positions where retention and recruitment of qualified applicants is a problem. The Department's request represents coverage of 30 special rates. This request also includes a 25 percent increase for all positions currently not covered in the special salary rates for the counties of Suffolk and Mausau and Mew York City, New York. This proposal was requested by the Pederal Executive Board.	5. Within-grade increases (WQI)	6. Health Benefits. The Federal Employees Health Benefits Act (F.L. 91-246) provided that the Government's share of health insurance would be 60 percent of the total trate commercing in 1975. Effective for the fittat pay period after January 1, 1988, the actual contribution to health insurance increased 37 percent. In addition, OFM has indicated that it anticipates an increase of at least 15 percent by 1990 due to premium increase. The requested increase of \$2,077,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the minimum 15 percent increase predicated by OFM. The actual average increase is 28 percent.	7. Pederal Employees Retirement System (FERS)

				67	0	
Arount	\$97	56	4,315	u	1,298	364
Work- Years	:	:	:	:	÷	:
Perm.	:	:	:	:	:	•
	8. Federal Employees' Compensation Act (FECA)Morkers' Compensation	9. Federal Employees' Compensation Act (FECA)thramployment Compensation	10. GSA Mail continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. An uncontrollable increase of \$4,315,000 is required to meet our commitment to GSA.	11. GGA recurring relaburable services. Reimburable payments are made to GGA for heating, ventilation and air conditioning provided in excess of normal working hours and for guard services. An estimated 1.1 percent increase of \$17,000 in fees for these services in 1990 over the 1899 base of \$1,545,454 is required.	12. Federal Telecommunications System (PTS)	13. Telephone Service. The Department of Justice is replacing an obcolete, ineffective and expensive Centrex telephone system with a state-of-the-art, high performance and cost effective digital telephone system in the Mashington atea. Ocer for leased Centrex lines and their associated terriff rates have steadily increased since 1979. The current system provides the Department will now this modern telephone system which will significantly improve the Department's communication costs. After five years, the Department's communication system in significantly improve the Department's communications expellities and provide the management tools needed to eliminate and minisize potential waste and abuse of the telephone system. However, it will also require a substantial increase in the per-line rate to cover higher operating expenses for the first file years. Beyond five years, any maintenance coats will be required. It is estimated that the line rate will be increased from \$24.28 per line per month to \$45.63 per month in 1990. The coat to this organization is \$304,000.

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\$168	33,133	-10,947
: .	146 362 33,133	-522 -289 -10,947
:	146	-522
19. Security Reinvestigations. The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases, and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the nation's security. The Office of Personnel Management, Federal Personnel Manual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every five years. By 1990, the Department will require 7,109 employees to be reinvestigated in each of the next five years to address the existing backlog. Requested resources will provide for only 2,300 cases per year. An increase of \$168,000 will be required in 1990.	Total, mandatory increases	Total, adjustments to base

Work-

Perm. Pos.

United States Attorneys
Salaries and expenses
Salaries and expenses
Salaries and expenses

ES-4, \$78,600 ES-4,	Grades and salary ranges	Pos it ions &	Amount	Positions &	Amount	Positions 6	Amount	Increase/Decrease Positions & Workyears Amount	Archesse
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76 74 76 96 1 156 191 216 25 1 156 191 216 25 1 266 281 277 -1 1 266 280 830 -13 -1 266 280 830 -13 -1 270 282 27 -1 -1 554 882 702 -10 -1 57 2,720 25 25 -1 57 4 4 4 -1 5,958 831,172 5,70 2577,750 6,105 585,431 -107 5,75 2,70 -16,280 -16,580 -36 -36 -37 -107 -559 -16,280 -16,580 -16,580 -36 -36 -1,58 -1,100 -1,100 -1,27 -1,58 -36 -3,68 -1,00 -1,100 -1,27 -1,58	.593-63,171	8		೩		8		-	
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15.958 \$231,172 6,730 \$272,750 6,105 \$883,543 -625 -57,700 -558 -6,100 -605 -16,558 -394 -9,466 221 7,07 -1,192 -1,192 -2,369 -31 7,09 -2,369 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -3,36 -1,102 -2,36 -3,36 -1,102 -2,36 -1,102 -2,36 -1,102 -2,36 -1,103 -2,36 -1,103 -1,103 -1,103 -1,103 -1,104 -1,103 -1,104 <t< td=""><td></td><td>2 730</td><td></td><td>1133</td><td></td><td>. 000</td><td></td><td>Š</td><td></td></t<>		2 730		1133		. 000		Š	
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-558 -16,250 -605 -16,558 -384 -9,466 221 7,07 -1,192 -2,183 -3,131 256,057 -10, 2,18 12,400 -1,162 -34 1,222 34 1,11810 241 2,778 43 2,400 43 2,36911 242 1,102 -34 1,222 34 1,11810 243 2,34011 2,408 2,340 2,25410 2,340 2,340 2,340 2,25410 (521,346) (521,346) (521,941) (521,949) (521,346) (521,946) (541,630) (641,672)	ted arruel rates	! :	2.110	;		:		;	
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32 1,222 32 1,091 32 1,042 6 2,731 255,057 -404 2,732 2,223 1,091 32 1,042 6 6 6 6 6 6 73 7	o loser pay scales	:	-1.192	:	-2.369	:	:	:	2,369
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United States Attorneys
Salaries and expenses
Summity of Requireness by Grade and Object Class

	1988 Actual				1990 Estim	nate	Increase/Decrease	crease
	Workyears	Anount	Workyears	Amount	Workyears	Amount	Workyears	Amount
Object Class					The state of the s	-		
11.1 Full-time permanent	5,400	\$215,800	6,125	\$253,823	5,721	\$256,057	404	\$2,234
11.3 Other than permanent	320	11,109	320	616'6	320	9,475	:	7
11.5 Other personnel compensation	35	1,568	35	1,947	አ	3, 792	:	-155
11.8 Special personal services	:	2,408	:	2,340	:	2,254	:	98
payments	5,755	230, 885	6,480	268,029	9/0'9	269,578	-404	1,549
Other objects:					٠,			
12 Personnel benefits		37,807		45,635		44,569		-1,066
13 Benefits to former personnel		122		122		122		:
21 Travel and transportation		8,755		9,691		8, 765		-926
of persons								
22 Transportation of things		1,926		2,232		2,113		-119
23.1 GSA rent		35, 336		40,810		39,648		-1,162
23.2 Rental payments to others		411		180		180		:
23.3 Communication, utilities								
and miscellaneous charges		21,227		25,018		24,502		-516
24 Printing and reproduction		1,793		2,446		2,376		-70
Ĭ		33,308		44,553		49, 392		4,839
26 Supplies and materials		5,969		3,890		3,624		-266
31 Equipment		5,489		17,606		9,410		-8,1%
Total Obligations		380,028		460,212		454, 279		-5,933
Relation of obligations to outlays:								
Obligated balance, start-of-year		53,931		58,588		68,862		
Obligated balance, end-of-year		-58,588		-68,862		-76,683		
Adjustments in expired accounts		-54						
Out lays		375,317		449,938		446,458		

WITNESS INTRODUCTION

Mr. Early. Testifying on behalf of the U.S. Attorneys is Robert G. Ulrich, the U.S. Attorney from Western Missouri. He's accompanied by James G. Richmond, U.S. Attorney from Northern Indiana.

Mr. Ulrich, we will insert your biography in the record at this point, and you may proceed with your statement in whatever manner you prescribe.

[The biography of Mr. Ulrich follows:]

BIOGRAPHY OF ROBERT G. ULRICH

Robert G. Ulrich has been the United States Attorney for the Western District of Missouri since 1981, reappointed in 1986. Mr. Ulrich is also the Chairman of the Attorney General's Advisory Committee. Prior to his appointment, he was an Assistant United States Attorney in the same district. Mr. Ulrich was an Associate with Shifrin, Treiman, Dempsey and Banburg in Clayton, Missouri. He was a partner with Pine and Ulrich in Warrensburg, Missouri and an Associate with Vou Erd-

mannsdorff, Voigt and Kuhlman in Kansas City, Missouri.

Robert G. Ulrich was born in St. Louis, Missouri on November 23, 1941 and grew up in Missouri. He received a B.A. degree from William Jewell University and a J.D. degree from the University of Missouri School of Law. Mr. Ulrich has served in

the United States Marine Corps and continues as a Colonel in the Reserve.

Mr. Ulrich is married to JoAnn Demark and has two children. He is a member of the Missouri Bar Association, Federal Bar Association, Kansas City Metropolitan, Federal Bar Association, Kansas City Metropolitan Bar Association, Greene County Bar Association and the American Judicature Society.

GENERAL STATEMENT

Mr. Ulrich. Thank you, sir. I have to my right Larry McWhorter, who is the Director of the Executive Office for United States Attorneys, who may also have some information that would assist this committee.

Mr. Early. Well, he certainly has some information that I'm looking for, and I'm delighted to see you back.

Mr. Ulrich. With your permission, I'd like to make a brief statement.

Mr. Early. We will insert your written statement in its entirety in the record. You may sum up in whatever way you'd like.

Mr. Ulrich. All right. It won't take very long.

The Attorney General Advisory Committee of the United States Attorneys is composed of 16 United States Attorneys, appointed by the Attorney General. I am their chairman. I was elected Chairman by them. And in that capacity I appear before you. Jim Richmond the U.S. Attorney for the Northern District of Indiana, to my left, is a vice-chairman of that committee. In that capacity we speak, on occasions, for the United States Attorneys, and participate in various policy making decisions referring them to the Attorney General, ultimately, for his decision. That's why I am here and why Jim Richmond is here.

I would like to say that I think it's significant that the United States Attorneys prosecute approximately 98 percent of all the Federal criminal violations in this Country. And that they represent the United States in approximately 90 percent of all the civil cases in which the United States is a party. I think that's important for everybody to understand and would help some to understand why

we ask for certain sums of money that we do ask for.

Before we go on, there is one other point I would make, considering that my statement is in the record—I know your time is valuable. I call your attention to the fact that in 1990 \$45,788,000 and 669 positions that are a part of the Organized Crime Drug Enforcement Task Force will not be directly funded from the United States Attorneys budget. That's significant because that money will be spent by the United States Attorneys, and will be reimbursed. That reimbursement is not reflected in the budget request that we have made.

With that, sir, I am prepared to respond to any questions you might have.

[The prepared statement of Mr. Ulrich follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF ROBERT G. ULRICH
UNITED STATES ATTORNEY WESTERN DISTRICT OF MISSOURI
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1990 budget request for the United States Attorneys.

The United States Attorneys, who are the principal litigators on behalf of the U.S. Government, are requesting a total of \$454,279,000, 6,105 permanent positions (including 2,727 Assistant United States Attorneys) and 6,041 workyears for 1990. This will permit drug prosecutions to continue at the level provided by the Anti-Drug Abuse Act of 1988, facilitate movement from an obsolete office technology towards an integrated office automation approach and enable a more aggressive debt collection program in the Department of Justice. Further, the United States Attorneys will be reimbursed \$45,788,000 for 669 positions and 652 workyears associated with the Organized Crime Drug Enforcement Task Forces. Finally, consistent with President Bush's goal to expand prosecution efforts in our financial institutions industry, a budget amendment will be transmitted to include \$21.7 million to fund 256 positions and workyears, so we can soon begin to deal with the hemorrhaging financial institution fraud quickly and effectively. We expect the Administration to submit a 1989 supplemental appropriation

3 13 1 15

request for this purpose as well.

Role of the United States Attorneys

Within each of the 94 Federal districts in the 50 States, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the United States Attorney is the chief law enforcement representative of the Attoney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. It is our mission to prosecute those who mock our nation's criminal laws, to protect the public from those who would further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp such powers, and to assert affirmatively, through the courts, those national policies established by Congress, the Administration and the Attorney General.

In performing our mission we function as an integral part of the Federal justice system. Our efforts are in concert with those of the investigative agencies, the courts and the rest of the executive branch of government. The Federal justice system must be viewed holistically. Placing emphasis or increased resources on any one area creates a ripple effect, affecting all areas. For example, when resource increases are approved for the Department's investigative agencies, it results in more criminal matters presented to United States Attorneys. Thus, increases in prosecutional resources must be applied assuring these investigative resources are not wasted.

Nature of the 1990 Request

Last year the United States Attorneys were provided much needed resources for the war on drugs as a result of the Anti-Drug Abuse Act of 1988. Our 1990 request seeks resources to sustain that level of positions for a full year. The United States Attorneys also request resources to maintain an enhanced level of prosecutorial efforts in the Savings and Loan Strike Forces.

Additionally, we are requesting increases in funding and positions for office automation implementation and training, and funding for the development of a more aggressive and effective debt collection program in the Department of Justice.

Office Automation

An increase of \$1,105,000, 25 positions and 13 workyears is requested for Project Eagle to provide an integrated office automation system for the 94 United States Attorneys' offices. The United States Attorneys have experienced tremendous growth in their case and administrative workloads, which demands efficient technology. Thus, it is imperative to have adequate systems. The Project Eagle equipment will replace various obsolete and deteriorating work stations with an integrated system which provides word processing, litigation and administrative support, legal research and case management capabilities. The additional funding covers only the costs of new positions necessary to

develop and integrate software, assist with equipment installation, and provide training to the United States Attorney field office personnel who will utilize the Project Eagle system.

Debt Collection

The vast majority of the Department's financial enforcement work is done by the United States Attorneys. We are the litigators; we perform the postjudgment enforcement of the most difficult debt collection cases for the other Federal agencies. It is our job to collect delinquent debts when other means have not met with success. Cases are referred to us only after our client agencies' efforts to collect debts through administrative procedures and private collection agencies have failed. We handle such debts as student loans, Small Business Administration loans, VA housing loans and educational overpayments, HUD home improvement loans, USDA farm and housing loans and civil fines imposed by the agencies.

The Department and the United States Attorneys have accomplished much but there is far, far more to do. We are requesting an increase of \$5 million to develop a more aggressive and effective debt collection program in the Department of Justice. Debt collection activities have been declared a priority initiative in order to return significantly more money to the U.S. Treasury. Through the administration of a \$5 million Debt Collection Fund, the United States Attorneys will devote monies to promote and improve the performance of all Department

personnel involved in debt collection functions. The Fund will provide non-personnel monies for debt collection work and will make money available for training and special services related to debt collection. It will also finance miscellaneous services such as auctioneer fees, title searches, survey costs and appraisals.

Thank you for your time and attention. I'm sure you recognize the importance of the United States Attorneys' mission and I appreciate this opportunity to present our budget request to the subcommittee. I will be happy to answer any questions you may have.

ATTORNEY SALARIES

Mr. Early. There is no way to speed up the process for you people, but I think we have a major problem with the U.S. Attorneys. I think it's important, and your responsibility to make sure that the things that you are not able to do due to lack of funds goes on record.

By the way, I was disappointed that the pay raise recommendation didn't go through.

Mr. Ulrich. Yes, sir.

Mr. Early. Not only for the Congress, but especially for the Judiciary and the U.S. Attorneys. I don't know how people think we are going to keep people as U.S. Attorneys at \$70,000 or whatever, when they can make a much bigger salary in private practice. Compared to what they can make outside, they are now paid nothing. I believe our system is as good as the individuals. I think this hearing gives you the opportunity to get some things on the record.

Mr. Ulrich. Yes, sir.

Mr. Early. Especially those things that you can't do because you don't have the monies.

Mr. Ulrich. In response to your comment, sir, I might say that the pay cap, that is the financial remunerative cap that the Assistant United States Attorneys experience right now is \$75,500. That

went up approximately \$2,000 only recently.

That's our major concern, the Assistant United States Attorneys. The United States Attorneys enter these positions because as a general rule they're dedicated people and many of them anticipate they will be here for a short time, four years to eight years, perhaps, and move on to the private sector where they will receive, in most cases, judicial positions, or positions that provide them greater financial remuneration. But our concern is for the line attorney, those Assistant United States Attorneys who by law are capped lower than the amount that U.S. Attorneys are paid, which right now by the way is \$78,600. When one compares that situation with a situation in New York where some of the larger firms are hiring, so I'm told, young attorneys right out of law school at between \$75,000 to \$80,000, we have a problem. The maximum salaries that Assistant U.S. Attorneys are paid is based on longevity. Although we have Assistant United States Attorneys who are dedicated people who have tried hundreds and hundreds of lawsuits on behalf of the United States, the most they can be paid, over their 15 to 20 years experience as Assistant United States Attorneys right now is \$75,500. And yet, young lawyers right out of law school are being paid by certain firms in New York, for example, as I said, as much as \$80,000.

That's our biggest concern, and I think it corroborates what you said, Congressman.

Mr. Early. And it's not just New York, either.

Mr. Ulrich. That's right, sir.

HIRING IN WESTERN MISSOURI

Mr. EARLY. Tell me, are you responsible for the hiring in Western Missouri?

Mr. Ulrich. Technically, under the law, the Attorney General is, but U.S. Attorneys, in essence, interview prospective Assistant United States Attorneys and other support personnel, depending on the systems they've established in their office. They're ultimately responsible for that. They make recommendations. I know of no case where the Attorney General has turned the U.S. Attorney down.

ATTORNEY ON-BOARD STRENGTH

Mr. Early. There are so many young attorneys who want to get that initial experience with the U.S. Attorneys, there isn't a shortage there. But in keeping the people—and I don't have a problem even if they only stay four years and then get them to move on, but I think that the system gets the best shake if we keep the best people for as long as we can.

Now for last year, how many Assistant U.S. Attorneys did you have on board by the end of fiscal year 1988, and how many will be

on board by the end of 1989?

Mr. Ulrich. In 1988 we had 2,508 on board. It's projected that we will have 2,900 Assistant United States Attorneys on board by the end of fiscal year 1989.

For 1990, given the budget, plus the Organized Crime Drug Enforcement Task Force that is being requested, we anticipate that we will have 2,969 Assistant U.S. Attorneys.

Mr. EARLY. So because of the Organized Crime Drug Enforce-

ment there's really roughly another 69?

Mr. Ulrich. Yes, sir. They would be restored to us if we were given what we requested, that is restored to the Organized Crime Drug Enforcement Task Force.

ANTI-DRUG ABUSE ACT OF 1988 CASELOAD

Mr. Early. And these increased numbers, you're not having any

problem with their caseload?

Mr. Ulrich. We recently, as a result of the drug bill of 1988, were allocated additional assets. We went through a system to allocate those assets across the Country. From those assets we allocated 171 asset forfeiture attorneys and the balance of attorneys to general narcotics and the OCDETF program. We have retained, of those that we had to allocate, 27 positions to make sure that if we shortchange somebody, we can identify those areas and ultimately supplement those particular districts.

At present, for example, of the 171 attorneys that have been allocated for asset forfeiture, and by the way every district got at least one, we have hired or are in the process of hiring 50 percent of

those attorneys.

DECLINATION POLICY

Mr. EARLY. Mr. Ulrich, because of your number of attorneys and your caseload, I want you to put in the record some of the things you're not able to do. I want you to tell this committee—and you don't have to give the name of the city, but I want you to give the scenario as far as in some cities the marijuana or cocaine cases

that will not be prosecuted in some cities, and give the worst scenario, please.

Mr. Ulrich. Very well.

Mr. Early. In anything you're uncomfortable with, just make a

point and we'll see how we proceed from there.

Mr. Ulrich. In many districts marijuana violations are simply not prosecuted. For example, one district, when we recently allocated additional assets, and I don't know the impact of this particular statistic for you as a result of receipt of those additional assets, but until recently that particular district would not prosecute a cocaine case if it did not exceed five kilograms. Now, considering that a kilogram is 2.2 pounds of cocaine, that is a significant statement. For example, cocaine cases might not be prosecuted because they did not attain a certain level, a declination policy is often established by the United States Attorney officially. And because there were unofficial declination policies by the various investigative agencies, because they did not have the assets, perhaps it never reached the U.S. Attorneys' office. But those official declination policies, for example, in this district being five kilograms, they just simply did not have the ability to prosecute marijuana cases.

DECLINATION LEVELS

Mr. EARLY. And that's because their caseload and the number of attorneys that were available, they would take the heaviest cases first and then go down and that's where the break-off point was?

Mr. Ulrich. That is correct.

We have a situation now, for example, without mentioning the district, where there are over 200, and as I recall 260 cases in which over \$100,000 has been embezzled, or stolen from a financial institution of one sort or another, that have not been processed.

Mr. EARLY. Because attorneys are not available?

Mr. Ulrich. Because there are insufficient Assistant United

States Attorneys to address that particular problem.

Mr. EARLY. Would you give me the number on marijuana please? Mr. Ulrich. I'm sorry. I can't do that right now, but if I may supplement the record later, I'd be happy to provide you a written document on that.

Mr. Early. Okay.

Can either of your two cohorts give me an idea of the worse sce nario they have heard, and if they're in error, you can correct it for the record?

[The information follows:]

DECLINATION LEVELS

For fiscal year 1988 a total of 349 drug matters were declined due to the lack of prosecutorial resources. The declination count specifically for marijuana matters is not currently available. However, if the committee so desires, the United States Attorneys' offices will be polled and the responses provided. Unfortunately, the total number of reported declinations probably understates the full picture, because some matters are never even referred based on 'understood' declination policies.

Specific quantitative threshold declination levels are developed within each judicial declination because the probability of the

cial district, however, these levels are not absolute and each matter is evaluated based on its unique merits. While the information is not centrally maintained, if desired, we will collect the district information and provide those responses in a

manner which would not expose geographic locations.

DECLINATION LEVELS

Mr. McWhorter. Mr. Chairman, I'm aware of several districts where the U.S. Attorneys guidelines require over 5,000 pounds of marijuana before he or she will prosecute same.

Mr. EARLY. Let me tell you, I just read that in the paper, about

one community that did not prosecute for 5,000 pounds.

Mr. McWhorter. That's correct.

ATTORNEY RESOURCES

Mr. EARLY. The Chairman of the DEA, Mr. Lawn, testified this morning. He talked about what they're doing in other countries, which I believe is a big problem, because I think their jurisdiction is too broad. I think we're just not doing the right thing. He spoke of a particular buy overseas in which DEA went after someone and bought 2,000 pounds of marijuana. Now why should we be doing that over there, if when it comes to this country, it's not going to be prosecuted? I mean, one hand doesn't seem to know what the other hand is doing.

This is just this Member's view, and I don't want to be a demagogue, but I think this is terrible. We shouldn't have anyone arrested for possession of five kilograms that we don't prosecute. I cannot go back to my district and have an eager District Attorney, that's prosecuting someone for smoking marijuana cigarettes, and then they call me and say, my God, I just read about 5,000 pounds

not being prosecuted.

This is why your hearing is so important, not only for what you are doing, but also what you're not doing.

Last year there were claims that certain U.S. Attorneys Offices had not received their fair share of attorney resources from the Department. Did an imbalance in attorney caseload exist among the 94 U.S. Attorney's offices, and does it still?

Mr. Ulrich. I'm not sure I understand that question. But I can tell you, if I may, how those allocations were made. I think that's

important to start.

Mr. Early. All right, put it on the record.

Mr. Ulrich. When we received additional allocations from the drug bill that was passed by Congress last year, Jerry Johnson who was then the United States Attorney for Pittsburgh, and the chairman of the budget subcommittee of the Advisory Committee of United States Attorneys, and I, and Larry McWhorter, along with the members of the executive staff, sat down to allocate tentatively where those assets ought to go on behalf of the United States Attorneys. We considered the caseloads in the district. We tried to project what demands each district could reasonably anticipate in the future. We used the history of the district and the size of the office. We even sent out a questionnaire to the United States Attorneys in every district soliciting from them various comments and their requests, and so on.

ALLOCATION OF RESOURCES

Mr. EARLY. Are you comfortable that they were allocated to that

Mr. Ulrich. Yes, sir. There was an effort to do that.

Now, recognizing that we were human beings who might make an error, and by the way, our recommendations were then sent to the Associate Attorney General and ultimately the Attorney General who made the decision, of course. But recognizing that we were human beings and subject to error, we retained 27 positions to see if in fact a district would be shortchanged. And if so, we could get feedback and say, you know, that U.S. Attorney is right. He or she needs more assistance. Now, that's only a part of it.

We did that, understanding that annually there is an effort by the Advisory Committee and by the Director of the Executive Office for United States Attorneys to evaluate the assets in the field. And we're aware that there's a certain attrition in U.S. Attorney Offices where Assistant U.S. Attorneys will leave, and so there are vacancies that do occur. And every year or so we try to evaluate as to whether a district has too many slots, and one district doesn't have enough so that we can reallocate those positions. And that has happened in the last two years.

Mr. Early. All right, as long it was implemented that way. But you said the Attorney General had the final say. Did he implement basically according to your recommendations?

Mr. Ulrich. Yes, sir.

LOWER DECLINATION RATE

Mr. EARLY. He did.

Chairman Smith, while you were out, the U.S. Attorneys testified in several areas that up to 5,000 pounds of marijuana confiscation is not being prosecuted, and in some communities five kilograms of cocaine.

Mr. Smith. Well, after you get the new allotments you're now

getting, will you be able to lower that?

Mr. Ulrich. It's our hope that we will. For example, we mentioned the five kilos in one district that would not have resulted in a prosecution a year ago. That district is getting a significant number of Assistant U.S. Attorney positions. There is a lag time, of course, in the hiring of individuals. And I will be very much concerned if next year at this time we see that a case of five kilograms of cocaine is not being prosecuted in that district.

And I would be very much concerned, Congressman, if we learned that there is a district in which a good case, involving 5,000

pounds of marijuana would not be prosecuted.

ASSETS FORFEITURE CASES

Mr. Smith. Well, of course, it's very difficult to separate forfeiture activity from criminal activity. I mean, they're sort of interrelated. The Conference Committee on the Anti-Drug Abuse Act of 1988 came in with this idea that if we would spend \$22 million more for U.S. Attorneys for forfeitures you could collect \$80 million more in revenue.

You are expected to spend about \$22 million of the extra \$60 mile lion you received in the drug bill working on forfeiture cases. Is that a reasonable breakdown? I know you can't break it down exactly, but is there going to be a substantial increase in the forfeit-

ure efforts?

Mr. Ulrich. Yes, sir.

So far, among the allocations that we made to U.S. Attorneys Offices, 171 of 175 asset forfeiture positions were allocated to U.S. Attorneys Offices. Approximately 50 percent of those that have been allocated for asset forfeiture have either been hired or are in the process of being hired right now. It will be very interesting to see the result of that, let's say in another year or two. We're optimistic believing, of course, as we've stated to the Congress, that we can produce more money from those individuals who have benefitted from the fruit of their criminal activity.

But that's the status right now, Congressman.

PERSONAL PROPERTY SEIZURES AND DISPOSAL

Mr. Smith. Now, I know it's different for different kinds of property. I'm not talking about real property now, but in the case of personal property, can you give us some idea how long it takes after you have confiscated personal property before you can dispose of it and actually get money out of it?

Mr. Ulrich. It depends, of course, on a variety of things, on caseload. It depends on the district, the docket of the court. It depends

on a number of things.

Mr. Smith. Take a boat, for example, how long would it take?

Mr. Ulrich. I would estimate between six months and a year right now. And real property might take a bit longer.

Mr. SMITH. I know of a case where there's one boat tied up with a sign on the side of it, and I think it's been there two years.

Mr. Ulrich. Yes, sir.

FINANCIAL INSTITUTION FRAUD

Mr. Smith. It made me wonder how long it takes. I have one more question

You're expecting to submit a budget amendment. Is the Department going to request a \$21.7 million amendment for savings and loan prosecutions?

Mr. Ulrich. For 1990. In 1989 we may, depending on what the President desires, of course, but we've talked about it, may seek a supplement of in excess of \$12 million for 118 Assistant U.S. Attorney positions.

Mr. Smith. Are they going to accompany that request with a proposal to reduce something else?

Mr. Ulrich. I don't know.

The purpose of this would be to address the fraud problem in our financial institutions across this Country. I can't answer that question, Congressman.

Mr. Smith. There isn't any room in the budget for an increase unless it's offset with a decrease—

Mr. Ulrich. Yes, sir.

Mr. Smith [continuing]. So I'm interested in what it is they're going to suggest they will decrease as an offset.

CASELOAD

Mr. EARLY. Mr. Ulrich, do you have data available to determine the requirement for U.S. Attorneys in each district? You don't have to do any more studying of that, do you?

Mr. Ulrich. I'm not sure I understand your question. For addi-

tional assets, are you talking about, sir?

Mr. Early. No, not for assets. I mean, do you have the necessary data available to you, to make decisions on what offices should re-

ceive increased staffing or what offices are under manned?

Mr. Ulrich. We have data that would assist us in that, yes. For example, when a case is open in a U.S. Attorneys Office, a civil case or a criminal case, we utilize the Promise system to keep statistics. Those statistics come to the Executive Office for United States Attorneys, and those statistics then are helpful in making a variety of decisions. And one of those would be what you've talked about.

Mr. EARLY. You know, in just the comment you're making as far as criteria. Certain offices are currently not prosecuting five kilograms of cocaine. You don't require any more data to know that

they need more people, do you?

Mr. Ulrich. As a general statement I would agree with that, yes. Conceivably, since we're speaking of a hypothetical here, better management might be a question. There may be a variety of things. But certainly it would raise one's eyebrows to suggest that they might need more people. I agree with that.

INCREASE FOR DEBT COLLECTION

Mr. EARLY. Fine.

Now on debt collection, you're requesting an increase of \$5 million for the new debt collection program. How is this going to

Mr. Ulrich. Five million dollars would go into a fund that would permit us to hire appraisers, auctioneers in appropriate cases, and pay for advertising, title searches, survey costs, that type of expense. And hopefully, and it's our belief that it would, help us to acquire additional sums of money. So ultimately we would reap more than the \$5 million would cost.

Mr. EARLY. During some recent hearings it was alleged that there are several U.S. Attorneys Offices that think that debt collection is beneath them, and they really aren't making the effort that

they should be making, is that true?

Mr. Ulrich. That may be true, Congressman, in some districts.
But I am confident if that is the perspective of some U.S. Attor-

neys, it will change.

Mr. EARLY. I hope it will. I can think of New York and other similar areas where sensationalism is given a lot more attention than less glamorous duties like debt collection. The testimony the other day did say there were several offices that were doing a pretty good job in that.

Mr. Ulrich. For example, let me supplement my comment, if I

As the Chairman of the Advisory Committee, I appointed Joe Hayes, who's the U.S. Attorney in the District of Eastern Michigan

to be chairman of a subcommittee composed of United States Attorneys to give impetus to this. We placed three things under that subcommittee. One is debt collection, second is asset forfeiture, and the third area is bankruptcy. We make an awful lot of money in those offices that are aggressive on behalf of the United States in the area of bankruptcy. So we want to give that even more emphasis as United States Attorneys.

Mr. EARLY. Debt collection is not a real law enforcement duty,

but I think it's very important.

Mr. Ulrich. I agree, sir.

Mr. EARLY. Are these funds to be used to enhance debt collection efforts by U.S. Attorney personnel or to free U.S. Attorneys for other caseload?

Mr. Ulrich. It's to be used to enhance the amount of money that we receive. In other words, to perform the day-to-day operations necessary to obtain money owed the United States.

Mr. EARLY. I see.

Mr. Ulrich. That's what it's for.
Mr. Early. Would the \$5 million be distributed amongst the U.S.

Attorneys, and what will the criteria be for who gets it?

Mr. Ulrich. No, sir. I would anticipate that the funds would remain in a fund available to United States Attorneys and the whole Department of Justice, as a matter of fact, in obtaining money owed the United States, so that, for example, if I in the Western District of Missouri had a case and I needed an appraiser,

or an auctioneer, that I could tap into that fund to pay for that.

I think that's the best approach, and the approach the Justice Department is going to take, versus allocating a certain amount to some districts and not enough to others, we get into all kinds of

problems doing it that way.

Mr. EARLY. Well, I think that's a little more difficult, but I think it's a lot more honest. I don't think you should equally distribute it.

Mr. Ulrich. I agree.

Mr. EARLY. I think you distribute it to where the debt is. Mr. Ulrich. Yes, sir.

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Mr. Early. I have several more questions of you, but we're going to yield to Mr. Carr at this time, if he has any questions.

Mr. CARR. I have no questions.

OFFICE AUTOMATION-PROJECT EAGLE

Mr. Early. On office automation you requested a \$1,061,000 to implement the Project Eagle office automation system. Now, you were in during the previous testimony on this issue.

Mr. Ulrich. I was, sir. Mr. Early. Do you disagree with anything that you heard?

Mr. Ulrich. No, sir.

Mr. EARLY. What is the timetable on funding by year for implementing this for all U.S. Attorneys?

Mr. Ulrich. We anticipate, once again as was stated earlier, that the contract will be signed this early spring. And by the way, there was a committee formed that had as members, three United States Attorneys, and representatives of the Criminal Division and the Tax Division that helped put this together. So we have had input on that, significant input. And that was important to us, if we're going to buy the majority of the equipment for the field office across this Country, we wanted to be able to say what our needs were, and we've done that.

It's expected that three offices would be installed by the end of this year. Next year, in 1990, seven offices per month would be installed for a total of 84 offices. And the balance would be supplied

with the equipment by 1991. That's the projection.

Mr. Early. Give the committee an assessment of how you think Project Eagle helps or hurts you. And please be candid. If you don't

think it's any help, say it.

Mr. Ulrich. Right now, the United States Attorneys Offices are using archaic equipment, without mentioning names of manufacturers. When we acquired some of the equipment, frankly it was on the lower end of technology, because technology moves so rapidly. Right now, the equipment that we purchased in recent years—well, I say recent years, not so recent years in some cases, is having maintenance problems, and so we have a problem with the mainte-

nance contracts in keeping it up.

Project Eagle will allow us to do these things. First of all, it will give us modern technology. We're the largest law office in the world, the Department of Justice is, of course, and the principal litigators are the United States Attorneys. It will allow, for the first time, United States Attorneys to speak electronically through computers to each of their offices. It will provide networking. That is to say, for example, as an attorney in the Western District of Missouri, if I want a brief that has already been written and is in the brief bank of the Civil Division, I can type in the appropriate key, and look into that brief which is in the brief bank in the Civil Division. I can call it up on the screen, review it, take out what I want in a brief that I am preparing, perhaps, or have it printed out on a laser printer right in my office. Or I can edit it right on my screen so that I avoid a lot of duplicity. That's one way. We will have electronic mail. We will have the ability to have Assistant U.S. Attorneys, to some limited degree, type as they create at their desks, although we don't want to make them secretaries and we have to be very careful about that.

So it will give us modern technology and it will allow us to more efficiently use the time of the Assistant United States Attorneys. It will allow them to—for example, in calling up things that have al-

ready been produced, so we don't have--

Mr. EARLY. Will it give you more productivity?

Mr. Ulrich. Yes, sir. I think it will. And more rapidly. It will allow us to use the Assistant U.S. Attorneys' time on additional cases.

Mr. Early. I would like either of your associates to comment, if they disagree with that.

[No response.]

COMMITMENT OF CONVICTED PERSONS

Mr. Early. In Massachusetts we recently had a Federal case, in which a witness was brought in to testify against his brother. The witness had been prosecuted by the Federal Courts before, and had

been sentenced to five years in jail. When he was asked what facility he was in, he stated that he had never been picked up. That's a disgrace. He had never been picked up. I wonder how many places that happens? That should only happen with some archaic system. I mean, I would hope that a computer somewhere would identify that X is out there to be picked up, but under your present system, I see how it happened because you rely too much on paper. Some-

one probably just threw it away, I hope unintentionally.

Mr. Ulrich. Well, there may be many reasons for that, Congressman. For example, when an individual is convicted of a crime, there's a judgment that's entered in the Federal District Court and normally the Marshal in that district would receive as a part of the clerk's system, and the Marshal's system in that district, a copy of the judgment and commitment order. If the Judge has authorized the individual to report to the institution, versus having him taken into custody immediately, the Marshal Service usually contacts the Bureau of Prisons and is provided the information as to where that individual should report on a particular occasion. If the individual is on bond and awaiting appeal, then that's really under the control of the courts and the Marshal Service.

Mr. EARLY. It's unacceptable. There's no way that should happen. Let's say that Marshal didn't pick him up, he forgot. I would assume the facility he was supposed to go to had a spot for

him.

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Mr. Ulrich. Yes, sir, I would hope so. Mr. Early. But he didn't show up.

Mr. Ulrich. I don't know the answer to your---

Mr. EARLY. I'm just telling how archaic the U.S. Attorneys are, and if you don't get an automation program that helps it, we're not doing the right thing here.

Mr. Ulrich. Yes, sir.

AUTOMATION OF LEGAL BRIEFS

Mr. Sмітн. I'm curious about these briefs you mentioned earlier.

Please explain your system for obtaining briefs?

Mr. Ulrich. Right now, Congressman, the Department of Justice has a computer called JURIS. And we have, for example, in JURIS, in various data banks the United States Code. We have a number of briefs and other things that are there. It isn't as complete as we would ultimately like to make it.

Mr. Smith. Does each district attorneys office put each brief they

have into this system?

Mr. Ulrich. No, sir, not now. Occasionally one will be sent back to the Justice Department. Normally, the Civil Division, as I understand puts many of its briefs into the system so that it has a brief bank——

Mr. Smith. Is somebody collecting all of these briefs then? You get one of these briefs and tailor it to your specific case.

Mr. Ulrich. That's what we're anticipating.

Mr. Smith. Then what happens after you've tailored it to your

Mr. Ulrich. Well, of course, it would be filed and then it's possible, depending on a system that we would have to establish because

there isn't one in place right now. It might be sent back to the Civil Division, for example, and entered under a subheading of this particular issue. That's a possibility.

Mr. Smith. So you don't have a system then for feeding that back

into the system?

Mr. Ulrich. It doesn't exist now, Congressman.

Mr. Smith. Okay.

Mr. EARLY. Will you elaborate on the record on what Project Eagle is going to do for the U.S. Attorneys, as far as suggested productivity and suggested availability of cases to be tried, when they'll be tried, and just how it will improve your operations.

Mr. Ulrich. Yes, sir. [The information follows:]

OFFICE AUTOMATION

We expect attorney productivity to significantly increase as a result of the Project Eagle installation which will allow more efficient use of attorney time, and we expect a concomitant increase in cases filed. The projected productivity increases

are attributed to the following four capabilities:

1. The equipment will allow access to automated legal research capabilities such as JURIS. Attorneys can do research at their desks via a phone connection to the database. They can access the brief banks (Civil, U.S. Attorneys, Civil Rights, Lands, Tax and Solicitor General) and incorporate portions of the briefs into their word processing documents.

2. The attorneys can use data base management software to create internal files

which may be used for litigation support, e.g., in a medical malpractice case tracking of prescriptions, checks, telephone numbers, etc.

3. The equipment can be used to communicate between offices in the district or between districts and headquarters. There are provisions for electronic mail, calendaring which may provide notification of filing deadlines for cases, and for communicating documents between sites. nicating documents between sites

4. The equipment provides additional word processing capabilities to support personnel and attorneys alike. It will allow attorneys to type drafts of briefs at their

desks and submit them to support personnel for cleanup and final versions.

AUTOMATION OF U.S. ATTORNEYS

Mr. EARLY. In your opinion, is the U.S. Attorneys Office behind the times on automation?

Mr. Ulrich. Yes, sir. The U.S. Attorneys Offices are behind the times on automation. As I indicated, many offices are working with archaic equipment. And the smaller offices don't even have the degree of technology that the medium size or larger offices do. Some of them are working with PCs, and advance technology computers, but they're really a form of a PC.

Mr. EARLY. Do private legal firms have better technology than

the U.S. Attorneys Offices?

Mr. Ulrich. Oh, yes, sir. We experience that all the time. One of the great complaints that we receive from many of our Assistant U.S. Attorneys is that they have to fight some of the larger law firms at times, who have modern technology and will inundate us with a lot of written work, and we, in some cases, especially in the smaller offices and some of the medium size offices, have to respond in a more archaic way by dictating briefs without reference to cases that may already be available in our data banks. And it's unfortunate that that's the way the legal practice is sometimes, but it is.

In other words, in a criminal case, there are some standard motions that are filed, and sometimes some of our offices have to go through each of those responses, rather than having them on word processors and so on.

ORGANIZED CRIME STRIKE FORCES

Mr. EARLY. Before I yield to Mr. Smith, and Mr. Carr, one final question on the Organized Crime Strike Force.

Mr. Ulrich. Yes, sir.
Mr. Early. Two U.S. Attorney Advisory Committees to the Attorney General have recommended that Organized Crime Strike Forces be merged into U.S. Attorney offices. In January, 1988, the Attorney General issued a new order which strengthened the U.S. Attorneys' influence over strike force operations. What are the U.S. Attorney's concerns and are you satisfied that the January, 1988 order addresses the U.S. Attorneys concerns? How has it worked in practice?

Mr. Ulrich. Yes, sir.

You're correct, sir, former Attorney General Meese issued an order for the first time providing that the United States Attorneys would evaluate the Chief Strike Force attorney in a particular district. Those evaluations are standard evaluations regarding the performance of employees. The first ones will be due June the 30th of this year. So we haven't gone the full cycle on this order yet. We haven't had the first evaluation so far. I might tell you that the United States Attorneys are consistent, even today, in their belief that assimilation of a strike force into the U.S. Attorneys office would produce a better product in addressing traditional organized crime in this Country. And that is an issue. It's been in the papers. I'm not revealing something that should be within house of the Department of Justice. There have been articles in the paper about it.
Attorney General Thornburgh ultimately will make that deci-

sion. I would be happy to go into various reasons, but I'm not sure that's what you want to do right now. But the perception generally stated by the United States Attorneys is that they would like to be involved directly in addressing traditional organized crime, and use some of the assets they have, and have the strike forces assimilated in their office, so that they can have a concerted effort in addressing traditional organized crime. They believe that by doing so, under the direction of the Attorney General, we could have an im-

proved impact on that particular problem in our Country.

Mr. Early. I think the January order also required the U.S. Attorneys to submit plans for how they were going to fight organized crime, and only roughly half of them supplied the plan. Is that accurate, and why didn't they respond?

Mr. Ulrich. Not all U.S. Attorneys were asked to do that, of

course. Some were.

Mr. EARLY. The ones that were, did they all participate?

Mr. Ulrich. Well, the strike forces have done that, and have submitted them in those certain districts, and I'm confident submitted them to the U.S. Attorneys. The U.S. Attorneys have not incorporated that into a plan. The plans that you speak of, Congressman, were directed by former Attorney General Meese soon after he ar-

rived as Attorney General, and were to, in essence, require the United States Attorney to evaluate his or her district and determine what should be done in that district. Then they were written originally, but in many cases they have not been rewritten. And the U.S. Attorneys have been asked, frankly, by Attorney General Meese, before he departed, and others within the Department of Justice whether that is a good project or one that should not be undertaken.

And there's a difference of opinion on that. The fact is, though, that if in those districts where U.S. Attorneys have not incorporated a plan to address traditional organized crime, that does not mean it hasn't been done. The strike force is responsible for addressing organized crime in those districts right now, and has evaluated those situations. And hopefully, is communicating with U.S. Attorneys in those districts.

Mr. EARLY. Do you classify organized crime as just Mafia?

Mr. Ulrich. No, sir. Generally, we call that traditional organized crime.

YOUTH GANGS

Mr. EARLY. All right.

How would you classify these youth gangs which are coming out of L.A. and moving to States in the east and selling their drugs. I mean that's organized.

Mr. Ulrich. Yes, sir.

Mr. EARLY. What do you identify them as?
Mr. Ulrich. We call that organized crime, certainly not traditional organized crime as we use that definition. And our Organized Crime Drug Enforcement Task Forces (OCDETF) are addressing that particular problem. Now those are under the direct control and direction of the United States Attorneys, and the OCDETF program is essentially a U.S. Attorney program. It has been tremendously successful in addressing many drug problems in many districts.

Mr. Early. Do you get them under your program as organized

crime, or do they come into the office as drugs?

Mr. Ulrich. It comes in the office as drugs. But the OCDETF program is designed to address organizations that deal in drugs. For example, in Kansas City, we have had Jamaican Posses. We have had Los Angeles street gangs, both the Crips and the Bloods coming into Kansas City.

Mr. EARLY. Aren't you talking about terrorists groups? Mr. Ulrich. No, sir.

Mr. EARLY. The first one was.

Mr. Ulrich. The Jamaican Posses, no, sir. They are an organization of posses, a loose-knit organization. Posses was a term for gangs, as far as we're concerned. And they got that term from watching old western movies. It's rather interesting. And they are very violent, and I don't mean to suggest that all Jamaicans are members of Jamaican Posses, of course.

But we've had those in Kansas City. We've been very effective in addressing that, have prosecuted now in excess of 140, as I recall, Jamaican Posse members. But we're experiencing the Crips and Bloods in Kansas City also. They have been addressed through our OCDETF program, principally, and we are also using other Assistant U.S. Attorneys who are not directly involved in the OCDETF program, but who supplement that particular program in Kansas City.

ORGANIZED CRIME DRUG ENFORCEMENT STATISTICS

Mr. Early. Where would historical information on those groups be recorded? Would they be recorded on just paper, or would they

be recorded on a computer?

Mr. Ulrich. Both. There's an administrator for the OCDETF program who would have those statistics, also the Promise system that we talked about earlier, should have recorded and should have a record electronically of those statistics also. And Drug Enforcement Administration and the FBI, and the other participants in the OCDETF program would have other statistics also.

Mr. EARLY. If you were investigating a drug figure, do you have a computer that you could punch into that would spit out any related individuals or groups having outstanding warrants, or charges?

Mr. Ulrich. The FBI and DEA do.

Mr. Early. Okay.

But the U.S. Attorneys does not? Mr. Ulrich. No. That is correct.

Mr. EARLY. If you were prosecuting someone, would you go to the

FBI or others to see if there are other outstanding charges?

Mr. Ulrich. Oh, yes, sir. Are you suggesting that if we had some electronic data that would indicate other potential violators, would we pursue them?

Mr. Early. I don't think you have enough history.

Mr. Ulrich. Yes, we would. It's the practice of the United States Attorneys to take an investigation wherever it goes, as a general statement, and if we can come up with additional defendants, using electronic data, especially in the area, for example, of money laundering where that would be of significant value to us, we will do it.

RESOURCE SHORTAGES

Mr. EARLY. Fine.

I want the three of you to sum up briefly what you think are the biggest problems for the U.S. Attorneys resulting from a lack of

Mr. Ulrich. I understand.

Traditionally, and until recently, it's been the lack of Assistant United States Attorneys, a lack of personnel to prosecute cases. Sixty-nine to seventy percent of our budget is for personnel. With the allocation of additional assets, additional Assistant U.S. Attorney positions that we have allocated to the districts and we're in the process of hiring, that may not be as significant a problem. We won't know.

Mr. EARLY. You don't have to be more specific. Just say it's a shortage of U.S. Attorneys.

Mr. Ulrich. That has been it. Mr. EARLY. Fine, what else?

Mr. Ulrich. Secondly, office automation. We need additional technology to keep up with our opposition, and to keep the statistics and the information that might be helpful to Congress, for example, in making decisions that impact on U.S. Attorneys and other areas of law enforcement.

Those are two areas that come to my mind immediately.

Jim?

Mr. RICHMOND. I think one area that we're going to all have to deal with as a result of the acquisition of these additional resources is space. Where do we put the people? Not only the lawyers, but the support staff that goes along with them.

Mr. EARLY. What else do you have?

Mr. McWhorter. I think the other significant concern this year is training for the new lawyers, in addition to the space concerns that we're working on. We have an ambitious training program in asset forfeiture, debt collection, and general, basic advocacy skills. We expect to train 600 lawyers this year in basic advocacy skills because of the shortfall last year, and the increase in resources that the Congress gave us for this year.

Mr. EARLY. And do you have any problem with the number of lawyers that are new and not experienced versus the more experi-

enced kind?

Mr. Ulrich. I think that varies from district to district. In some districts we are experiencing a lot of applications from people right out of law school, because perhaps we can't afford the more experienced lawyers. In Kansas City, for example, I get inquiries all the time from more experienced lawyers, and until they find out what we're paying and then it may impact sometimes on their desire to come.

Mr. Early. I have several other questions that I'm going to ask you to provide the answers for the record. I would appreciate it if you would make sure you're accurate in your responses. It will be used by me in the markup of the FY 1990 appropriations bill.

I want to thank you for your testimony.

Mr. Ulrich. Thank you, sir.

[The following questions were submitted to be answered for the record:]

OUESTIONS SUBMITTED BY CONGRESSMAN EARLY

United States Attorneys

Expansion in Other Criminal Litigation

QUESTION: Given the substantial increase provided in FY 1989, over and above the FY 1989 budget request, were you able to expand your efforts in such areas as white collar crime, official corruption, and child pornography? Or was the increase primarily eaten-up by drug related activities?

ANSWER: Consistent with Congressional proceedings, the increase provided in FY 1989 has been allocated for intensifying efforts in the areas of asset forfeiture, drug prosecutions and other law enforcement including, securities and commodities fraud. By far, most of the positions allocated were designated to supplement asset forfeiture and drug enforcement activities. However, due to the enormous amount of fraud known to exist in the securities and commodities markets, some resources were immediately required to address this problem.

Accordingly, Attorney General Dick Thornburgh on January 31, 1989 announced the formation of a Securities and Commodities Fraud Task Force in six United States Attorneys Offices across the country. An additional 15 Assistant United States Attorney positions were allocated in Manhattan, Chicago, Los Angeles, San Francisco, Kansas City and Denver. The task forces will investigate the most complex and difficult frauds in the securities and commodities markets, including stock and commodities boiler rooms, stock loan fraud, precious metal fraud, "parking" securities and major bank and brokerage frauds, as well as tax evasion, obstruction of justice and perjury often associated with these cases. In the area of official corruption and child pornography, our efforts have not been expanded. Given the increased efforts in asset forfeiture, narcotics, and securities and commodities fraud, the United States Attorneys have not been able to expand efforts in official corruption and child pornography.

Current Services

QUESTION: What is your "current services" estimate for FY 90?

ANSWER: The current service level in the President's Budget for FY 1990 is \$470,190,000.

Pay Increase

QUESTION: Why is your agency being required to absorb 50 percent of the annualisation cost of the 1989 pay raise

when other agencies within the Department of Justice were provided the full cost?

ANSWER: In 1989, with the \$69 million the United States Attorneys received in the Anti-Drug Abuse Act of 1988, they will be able to cover 50-percent of the 4.1 percent pay raise and enhance their anti-drug efforts by 940 additional positions. The other half of the 1989 pay increase will be covered by funding resulting from the initial lapse in hiring the 940 positions from the drug supplemental.

In 1990, the \$69 million will be carried into the base level funding, thereby providing 50 percent annualization of the 1989 pay increase. Thus, it is necessary for the U.S. Attorneys to seek 1990 adjustments to base for only 50 percent of the 1989 pay increase.

Other Justice organizations were <u>not</u> provided full funding for the 1989 pay raise. They <u>reflected</u> a fully-funded pay raise in order to display a realistic budget request, however, these funds were provided at the expense of base programs or by foregoing approved program increases.

QUESTION: What will the cost of the proposed 2 percent pay raise in 1990 be for your agency? What would it be if it was 3.6 percent?

ANSWER: The proposed 2 percent pay raise, to be effective January 1, 1990, would cost an additional \$6,792,000. If the pay raise were 3.6 percent, it would cost the United States Attorneys an additional \$12,225,000.

Debt Collection

QUESTION: Is your request of \$5 million for the establishment of a special debt collection program a one time only request or is it likely that additional resources will be needed in FY 1991 for this purpose?

ANSWER: As requested in the 1990 President's Budget, the \$5 million to establish a Debt Collection Fund would be available to cover the costs of debt collection activities for a two-year period -- 1990 and 1991.

The Department of Justice continues to support a legislative proposal that would establish a Debt Collection Fund to be self-supporting. This Fund would capture 5 percent of the monies collected that are not earmarked for other funds. The Department is extremely hopeful that such legislation will pass this year, thereby eliminating the need for the \$5 million appropriated fund in future years.

A-76 Contracting-out Savings

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QUESTION: Your request reflects a reduction of \$1.1 million due to productivity initiatives. What types of services and functions will be contracted out to achieve this savings?

ANSWER: The United States Attorneys are currently contracting for the services of 75 people to handle asset forfeiture data entry and analysis. This effort was initiated in FY 1989 and is expected to continue and possibly expand in FY 1990.

As a result of the United States Attorney's ambitious A-76 compliance effort, other functions are being considered for contracting out. The Executive Office for United States Attorneys takes every opportunity to utilize private sector services when feasible and cost effective. We are exploring ways to utilize private sector services in the areas of office automation, legal education, and litigation support.

Special Salary Rates

QUESTION: Briefly explain the "Special Salary Rates" provision that you now have. What positions are covered by these rates, and which geographic locations. Also, when was the provision/authority implemented?

ANSWER: The provision for "Special Salary Rates" enables the United States Attorneys to seek from the Office of Personnel Management an increase in salary rates. The United States Attorneys seek these special rates because the organization is severely handicapped in hiring and retaining employees in certain geographic areas due to the disparity in salaries offered by the government and private sector. Special salary rates can increase the initial starting pay by as much as 30 percent over the basic pay rate for a position. The provision for this is 5 U.S.C. Section 5303.

OPM authorized special rates for the following positions and geographic locations on January 6, 1989.

Special Salary Rates in effect 1/10/89 General Clerical Legal

1.	Boston (Mass)	GS-2	thru	GS-8			
2.	San Francisco						
	(NDCA)	GS-2	thru	G8-6			
з.	San Jose						
	(NDCA)	GS-2	thru	GS-7			
4.	New York City						
	(EDNY)	GS-2	thru	GS-6	GS-4	thru	GS-10
5.	(SDNY)	W		W	W		"
6.	Los Angeles						
	(CDCA)	GS-2	thru	GS-7	GS-5	thru	GS-7
8.	(D.C.)	W		W			

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9. (EDVA) Alexandria only " "
10. Newark (N.J.) GS-2 thru GS-5 GS-5 thru GS-9 11. Atlanta, GA (NDGA) GS-3 thru GS-8 12. Miami, FL (SDFL) GS-2 thru GS-6 13. Chicago, IL (NDIL) GS-2 thru GS-5 14. St. Paul, MN GS-2 thru GS-5 15. Dallas/Ft.Worth [clerical] GS-2 thru GS-5 [computer operators] GS-5 thru GS-10 16. Connecticut GS-1 thru GS-6

Positions covered in the general clerical category are clerks, clerk-typists, clerk stenographers, general clerks, administrative clerks, non-legal secretaries, computer clerks, mail and file clerks, information receptionists, and any clerical positions requiring fully qualified typist or stenographer skills.

Positions included in the legal category are legal secretaries, debt collection agents, docket clerks and legal clerks/technicians.

Attorney Resources

Question: For the record, please provide a list for each U.S. Attorney, broken out by attorney and support positions of the number of positions authorized and the number filled on September 30, 1988, and the projection for September 30, 1989.

Answer: Attached is a list of allocated and on-board attorney and support positions by United States Attorney district. The first four columns provide the number of Assistant United States Attorney (AUSA) and non-attorney positions allocated for fiscal year 1988 and the number of positions filled as of September 30, 1988. Please note that the number of AUSAs on-board has been corrected to show 2,508 instead of the previously reported 2,518. You may also notice that some district's on-board strengths exceed the number of positions authorized. These were temporary overages authorized to enable districts to utilize their full-time equivalent workyear, and funding, allocations.

The second four columns provide the number of AUSA and non-attorney positions allocated as of March 7, 1989, and the number of positions we project will be filled by September 30, 1989. The total positions authorized increased by 443 AUSAs and 449 non-attorney positions, which were allocated as a result of the Anti-Drug Abuse Act of 1988. We estimate that 95 percent of the total positions authorized will be filled by the end of FY 1989, which accounts for normal attrition.

In all cases the number of AUSAs and non-attorney positions allocated and on-board include both direct and Organized Crime Drug Enforcement Task Force positions. These numbers do not include the 93 United States Attorneys. The non-attorney numbers comprise both paralegal and support positions.

Debt Collection

QUESTION: Are the United States Attorneys establishing goals for collection of debt, and will these goals be used in evaluating performance?

ANSWER: All United States Attorneys have been asked to provide Financial Litigation plans and quantitative goals for their offices. The plans will be used by the Evaluation and Review Staff of the Executive Office for United States Attorneys in evaluating the results of the year's debt collection activities.

•	TOTAL	TOTAL	TOTAL .	# 107AL	# TOTAL	•••	TOTAL	FTP 8	FTP	
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THURSDAY, MARCH 2, 1989.

ANTITRUST DIVISION

WITNESSES

KENNETH G. STARLING, DEPUTY ASSISTANT ATTORNEY GENERAL RALPH J. JUSTUS, EXECUTIVE OFFICER HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-TRATION MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

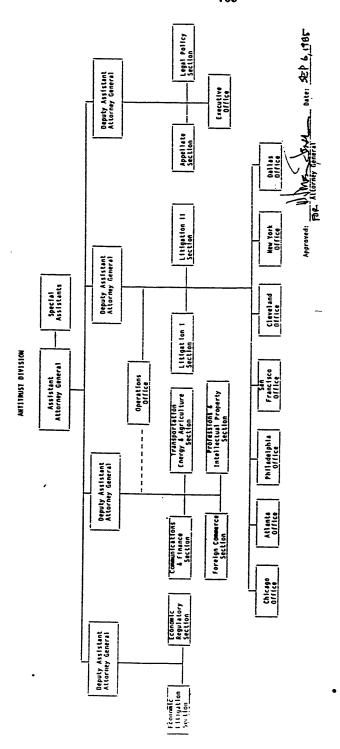
Introduction

Mr. Early. Next we're going to hear testimony on the Antitrust Division. This Division requests \$47,422,000 in the fiscal year 1990. We will insert in the record, at this point, the Antitrust Division fiscal year 1990 budget justification.
[The budget justification follows:]

(707)

Department of Justice
Antitrust Division
Estimates for Fiscal Year 1990
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Salaries and expenses Antitrust Division Summary Statement

with the .

Fiscal Year 1990

The mission of the Antitrust Division is to protect and promote competition. The United States economy has grown and prospered as a seasil of competition, and very offen the economy's failures and weakinsses can be traced to the attenuation of competition in particular marries. By fostering finnovation and efficiency, competition serves as the fundamental process by which the total wealth produced from America's resources is maximized.

The Antitrust Division is requesting a total of \$47,222,000, 544 permanent positions, and 526 workyaars for 1990. This request includes a program reduction of 5 permanent positions, 5 workyears and \$47,000 from the 1990 base level.

The antitrust laws provide the Division with effective tools to eliminate private impediments to compatition. The Division opposed sprousely strongeries as the Division of the operation of private parties to acquire market power and to use that power to raise prices or reserict supplies. Vigorous investigation and prosecution of those engaged in "white collar" crime will continue through joint efforts with other agencies.

The Division continues to pursue an active, vigorous, and fair-winded merger enforcement policy that distinguishes processor that threshow the threshown and construction and construction and markets. The Division practice that the threshown competitive and continues of the construction and construction and construction and markets. The division practices that raise pricise and reduce overhead. Others, between Construction and markets and reduced translation instruction and markets and reduced translation in the construction of the construct

The Antitrust Division continues to look for ways to do more with less. Since 1981, the Division's staffing has been reduced over 40 percent. Damage to enforcement capability has been mitigated through better use of staff and automated resources, streamlined reporting, increased emphasis on economic analysis and more efficient support functions. However, both criminal enforcement and merger review workload is increasing, and in order to protect consumers it is essential that funds representing our basic requirements be afforded.

Salaries and expenses Antitrust Division

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust and kindred laws; [\$44,937,000]____ (15 U.S.C. 4, 9, 18, 21, 1312a; 28 U.S.C. 50; 506, 510-512, 514-516, 519, 524, 525; Department of Justice Acceptration Act. 1889, additional authorizing legislation to be proposed.)

\$47,222,000

Explanation of Change:

No substantive changes proposed.

Antitrust Division
Salaries and excenses
Crosswalk of 1892 Chances
(Dollars in thousands)

with the

	1989 Budge	1989 President's Budget Request	ent's	Act to B	Congressional Appropriation Actions on 1989 Request	55 H	Rep	Reprogrammings	aguja	App	1989 Appropriati	5 J
Activity/Program	Post	¥	Ant	Pat	ğ	Į.	102	໘	Ant.	Pas	Pos. MY	Ant
Enforcement of antitrust and kindred laws:												
Federal appellate activity	2	1	\$1,236	:	7	*	:	:	:	2	2	\$1,192
private cartel behavior	215	221	17,707	:	-56	-1,323	:	:	:	215	3 6	16,384
Preservation of competitive market structure	157	155	16,702	:	7	-225	:	:	:	157 154	7	16,477
Policy analysis, legislation and training	8	3:	4,792	:	ψ,	500	:	:	:	82	25	4,586
Competition advocacy program Nanagement and administration	35	28	4,032	::	17	35	::	::	::	62	22	3,896
Total	3	178	47,021	:	7	40 -2,084	:	÷	:	22	1831	44,937

Antitrust Division
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

	1	1989 As Enacted	Pat:	-	1990 BASE	1	1990 Estimate	esti.	1	Increase/Decrease	ad/ates	Crease
Estimates by budget activity	Perm.	¥	Amount	Pera.	₫	Amount	Pos. 1	덫	컴		Ħ	Amount
Enforcement of antitrust and kindred laws	\$49	531	\$44,937	549	531	\$47,269	3	929	\$47,222	ΨŶ	۳	\$
			Approp.			Approp.			Approp.			Approp.
EOV Employment Full-time permanent Other			545 545 545			8 4 12 2 2 2 2 2			\$ 4 17			7 }7
Proposed for later transmittal:											•	
	7	1989 As Enacted	ted		1990 Bate	-	1990 Estimate	W Estis	nate	Incr	90/9340	256930
Estimates by budget activity	Pera.	Ħ	Amount	Pos.	≩	Amount		¥	Amount		¥	Pos. MY Amount
Enforcement of antitrust and kindred laws	549	53	\$44,937	549	531	\$47,269	264	546	\$48.695	5	5	\$1,426
			Approp.			Approp.			Appropr			Approp.
EOY Employment Full-time permanent Other			68 4 12 8 16 16 16 16 16 16 16 16 16 16 16 16 16			8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8			516 564 564			≈ ‡

The administration is proposing legislation to terminate the interstate Commission and to complete derepulation of the motor carrier, fereight forwarder, and water carrier indicatives. Remaining rail-nested activities would be transferred to the Oppartments of Justice and Tanasportation. The Justice Oppartment utili assume responsibility for reviewing applications for rail-related mergers, consolidations, and acquisitions. Funds in the amount of \$1,473,000, 20 unveryaers and 20 authorized opsitions are proposed for transfer to the Division in the event tils legislation passes. These amounts offset the proposed A-76 reader(ion to the fermination and Prevention of Private Cartel Behavior Program of \$47,000, 5 workyears and 5 authorized positions, leaving the net figures identified above in the Increase/Opcrease column.

3

Antitrust Division Salaries and expenses Summary of Resources by Program (Vollers in thousands)

	러	88 45	1988 as Enacted	٦	88 Ac	1988 Actual	188	3 24 6	nacted.		066	916	1990	ESE	mate	200	ACT 0 2 50	1
Activity/Program Enforcement of antitrust and kindred laws:	2 입	ja Eiaj	Porm. Pos. WY Amt.	P 201	≩	Pere. Pas. WY Amt.	- 8	₹ 1	Porn. Pos. M Ant.	2 2	≱ [:	Porm. Pos., WY Amt.	2	ا≱ دند	Porm. Post., MY Amt.	Peri Pos. M	봊	YX Ant.
federal appellate activity 16	2		17 \$1,210	2	2	16 \$1,218	9	2	16 16 \$1,192	2	2	16 16 \$1,263	2	2	16 16 \$1,263	:	Ξ	:
private certel behavior 215	215	8	16,260	215	386	16,361	215	215 195	16,384	215	8	215 195 17,249	210	8	210 190 17,202 -5 -5-\$47	Ŷ	ę	-\$47
market structure157	157	155	16,340	157	7	16,441	157	2	16,477	157	7	154 17,159	157	3	157 154 17,159	:	:	:
and training	876	28%	2.687 3.945 3.945	976	2%8	2,511 3,969	822	825	3,505 3,606 3,606 3,606 3,606	846	222	2,848 4,197	876	325	2,653 2,553 4,197	:::	:::	:::
Total 549 546 44,937	3	, 79	44,937	65	55	45,216	3	531	549 515 45,216 549 531 44,937	3	. 28	549 531 47,269 544 526 47,222 -5 -5 -47	3	929	47,222	Ϋ́	*	7
Other Workyears: Holdey Overtime Total compensable workyears					32			. 23 23 23 23 23 23 23 24 25 25 25 25 25 25 25 25 25 25 25 25 25			3			: 80			: 17	

Justification of Program and Performance Activity Resource Summary (Dollars in thousands) Salaries and Expenses Antitrust Division

	198	3	Enacted	7	88	111	188	5		Incre	97	22622
Activity: Enforcement of antitrust and kindred laws	E S	궠	Amount	E 5	겇	Amount	E 3	섳			궠	Amount
Federal appellate activity	2	2	16 16 \$1,192	2	2	16 16 \$1,263	2	2	16 16 \$1,263	:	:	:
private cartel behavior	215	5	16,384	215	195	17,249	210	8		ş	ň	ż
Servers of competitives	157	3	16,477	157	2	17,159	157	35		:	:	:
and training	8	8	4,586	8	2	4,848	69	8		:	:	:
Competition advocacy program	8	7	2,402	æ.	7	2,553	ž:	7	2,553	:	:	:
Tanagement and administration	95	15	1	3	23	1,288	4	256	7.2%	10	ŀ	19

This budget activity includes all resources of the Antitrust Division for the mission of protecting and promoting competition.

L<u>ADG-Ranga Geal</u>: To provide effective representation before Courts of Appeals and the U.S. Supreme Court for antitrust cases and in proceedings to review orders of certain regulatory agencies. Major Objectives:

To support sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States.

To protect the interests of the United States in the development of antitrust law through participation as <u>amicus surlas</u> in private antitrust appeals.

<u>Base Program Dascription</u>: To provide effective representation, the Division acts on antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the Courts of Appeals in all civil and criminal cases brought by the United States under the Federal antitrust laws; reviews certain decisions of the Interstate Commerce

To advocate competition in appeals taken from regulatory proceedings.

Commission, the Federal Communications Commission, the Federal Harltime Commission and the Nuclear Regulatory Commission, and Propases an appeal postition for the United States; and prepares and files aminists briefs in the district courts, the Courts of Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Courts of States and Federal Commission Federal Commission, Federal Commission, Federal Commission, Federal Commission, Federal Maritime Commission and the Muclear Regulatory Commission is contained in 28 U.S.C. §52341-2350.

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Itse	1987	1982 1988	1989 Estimates	1990
Administrative Law Cases				
Pending	8	<u>26</u>	539	189
	9	₹:	500	500
Application Amiliary Cont.	90	8	220	220
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Terrenament	• •	. •	• •	. 0
Antitrust Division Cases In Courts of Appeals				
Non	-	12	7	7
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Aceteries Division Page 10 Suppage Court	:	2	:	:
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D1881886d	:	:	:	:

Significant recent achievements in the Appellate Activity Program include: Supreme Court opinions in two cases in which the Court agreed with the Division's position; successfully pestitioning for a writ of certiforari in the Supreme Court in a third matter; and winning all recent courts of appeals cases involving bid rigging and price fixing, our major criminal enforcement priority.

	198	15 E	nacted		8		188	Est	imate		ad/as	CCBASA.	
	50	덫	Pos. WY Amount	3	¥	Pos. MY Amount	68	¥	Pos. WY Amount		≱	Post. MY Amount	
tion and prevention of te cartel behavior		195	215 195 \$16,384 215 195 \$17,249 210 190 \$17,202 -5 -5 -547	215	36	\$17,249	210	8	\$17.202	ç	ņ	-\$47	

<u>Lang-Banga Goal</u>: To promote and maintain competition in the American economy by reducing private cartel behavior that restrains trade or commerce.

Major Objectives:

To promote and maintain competition, economic efficiency, and the enhancement of consumer velfare by using criminal and civil enforcement of Section 1 of the Sherman Act to terminate and prevent agreements that restrain competition.

To limit cartel behavior in industries subject to state or federal regulation to conduct that has been authorized by statute; to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed.

To educate the public, business, legal professions, and other executive agencies with respect to the principles of antitrust laws and enforcement policies.

Base Program Opercription: The purpose of this program is to deter private cartel-like behavior by investigating and litigating the control of the Steman Act. A vide range of investigation; techniques is used, including staff and Fall investigation to detect collusion and bid rigging. In addition, the investigation, civil investigative demands, and grand Jury investigation to detect collusion and bid rigging. In addition, the economists to collust activities activity and market performance through its litigating activities and fail offices and employs professional economists to collect and analyses regional and national market data, with special emphasis on highly concentrated industries. Once the Government desets and successfully prosecutes, it must obtain appropriate relief and socitor the injunctive provisions of such c.R. R. Q. 44(a).

The Division's vigorous prosecution of private horizontal restraints is essential. Cartal-type behavior has no radeeming economic virtues. Agreements sands compelitors entered into for the purpose of artificially restricting output and rating portices do not yield organizational efficiencies or economies of scale. Such agreements increase transaction costs and are dealt with severally State and rocal law enforcement efforts, while contributing to the prevention of locally-oriented cartal behavior, cannot cope with the complication and the conspiration is investigated and prosecuted by the Division. Intense nationale enforcement of the Federal antituris laws serves to prevent the serious darion of her nation's economy that cartal behavior causes.

<u>Assometistments and Vorkland</u>: Accomplishments of the Termination and Prevention of Private Cartel Behavior Program are presented in the following table:

***	1087	1988	1000 Estimates	nates 1000
		7	707	
Preliminary Inquiries Predig at start of year Deemed during the year Closed during the year	241 174 192	223 133 167	8 8 8 8	8833
Civil Investigative Demands Pending at start of year Opened during the year Closed during the year.	388	28.5 29.5 33	25.5	25 25 25
Grand Juries Pending at start of year Opened during the year	888	345 63	35.83	191

, ...

Price Fixing Cases - Crisinal 36 90 134 Pending at start of year. 36 90 134 Opened during the year. 77 74 80 Closed during the year. 23 30 65 Ulbur Federal Cries (False Statements, Parincy Observation of June Rendaments)	Lites	1987	1988	1989	1990
Other Federal Crimes (False Statements, Partner, Obstruction of Justica)	ice fixing Cases - Criminal scaling at scart of year pened during the year losed during the year	87.E	828	¥88	≩ 82
Filed 13 18 19 18 19 18 19 18 19 18 19 18 19 18 19 19 19 19 19 19 19 19 19 19 19 19 19	Other Federal Crimes (False Statements, Perjury, Obstruction of Justice) Filed Ford	ည်စ	స్థా	2 :	9 2 :

Vigorous prosecution of hard-core horizontal autifruit violations, such as price fixing, bid rigging and market allocations among competitors. The been and will continue to be the Antificute 10 vision's prices afforts were assessed to the amount of 510 distribution and an estimate of 43,944 all days for approximately 1902 years. The bown and an estimate of 43,944 all days for approximately 1902 years are seemed to this seemed to a second of the seemed of which 582 days (or approximately 1613 with forms the seemed to the filling of a record-setting polithon. A sit compares to 1954 when fines assessed totaling \$17.9 million and station that the seemed in the filling of a record-setting plant agreement. After the Division spanthaged a reposition of the filling and the filling and statification. As of December 31, 908, with feart Lake Days and an experiment of the filling and seemed a septiming of the filling and seemed to the filling and seemed a septiming seemed as a result of auttrants violations. As of Encember 31, 908, set of filling and 1969, with feart Lake Days and the filling and seemed as a result of author and to pay a civil settlings \$10 million and 706 jail days of 3.239 kew been assessed applicit these volutions. As of Encember 31, 908, set filling and righty violation in the highest construction made assessed assessed assessed and the filling and filling and filling and the filling and filling and the filling and construction december 31, 908, set filling the filling violation in the highest construction and set of the hundred filling and an unstanded in the filling and construction filling accounts of the filling violation and an unspect and an unstance of the set of the set of the hundred of willing violation and an unspect of the set of t

The antifrust laws provide an additional tool that the Department of Juttice can use to attack infiltration into Ightmate business. The Report of the Frasident's Commission on Organized Chas taken over lagitimate businesses and gained influence over unions; it has used various tactitaes windows, to enforce price fixing, bid rigging and other anticompatitive practices are all felowy obligings of the Sharman Act. These types of inverforce. The straightformard mature of these cases, combined with the substantial penalties (inverposacutions an effective tool against organized crime.

Program Changes:

	1990 Ba	50	200	Estimate		Incre	0/004	Acreses	
	Pers.	Perm.	Pera.			Per		100	
	101	Pos. VY Amount	Pos	Post., WY Amount	ton.	Pos.	ᅿ	Pos. WY Amount	
ation and prevention of private cartel behavior 215 195 \$17,249 210 190 \$17,202 -5 -5 -5 -547	215 19	5 \$17,249	210	190 \$17,	202	٨'n	ų	-\$47	
on of 5 authorized positions, 5 workyears and \$47,000 is associated with the Division's efforts to contract out Ily available services. The Division is oursuing approval from the Office of personnal approved.	associa	ted with the	Divisio	n's effor	ts to	ontrac	3		
by contract in lieu of personnel appointments. The Division services at remote trial effect and model of the services at remote trial effect and model of the services at remote trial effect and model of the services at remote trial effect and model of the services at remote trial effect and model of the services at the services at the services and services at the	Filon ed	use the au	thority	to contr	12	5	Ė	temporary	

Increase/Decrease.	Post. MY Amount	157 154 \$16,477 167 184 \$17,159 157 154 \$17,159	uisitions that may lessen inconsistent with
1990 Estimate	Pat. WY Amount	157 154 \$17,159	ing mergers and acq purposeful conduct
	Pos. WY Amount	157 154 \$17,159	efficiently by preventiuited or maintained by
1989 as Enacted	Pos. YY Amount	157 154 \$16,477	f markets to function ing monopoly power acq
	_	Market structure	<u>kons-Bongs Goal</u> : To enhance the ability of markets to function efficiently by preventing mergers and acquisitions that may lessen compesition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with compesition on the marits.

Maior Objectives:

To implement a coherent merger enforcement program which prevents mergers that threaten to reduce competition in specific markets while minimizing governmental interference with transactions having no significant potential for harm.

To enforce effectively the premarger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

Base Program Description: The purpose of this program is to prevent or distipate unlawfully acquired or maintained market power, and conform despers this tway lesses competition. Economists are in general agreement that the potential economic benefits of preventing monopolisation of, and undue concentration in, particular markets are substantial. The Division promotes and maintains attained, or maintained through noncompetitive or obtained market powers as sought tend to eliminate competition. The principal statutes are performed under this program are section 2 of the Shaman Act and section 7 of the Clayton Act. The Division's responsibility for this enforcement program are section 2 of the Shaman Act and section 7 of

To realize maximum benefits from the Division's civil enforcement efforts, antitrust litigation resolved in favor of the Government must be given full effect through appropriate injunctive relief, and firms subject to antitrust judgments must be monitored to assure that injunctive provisions are met. The Division also has established a program to review existing decreas and to seek the elimination of those that have become anticompetitive or that otherwise no longer serve the public interest.

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			Est	aster
Item	1987	1986	1989	1989
Premerger Notifications	2,533	2,747	2,700	2,700
Preliminary Inquiries Preliminary Exert of year Deened during the year Closed during the year	24 174 192	223 133 167	85 037 037	<u> </u>
Civil Investigative Demands Pording at start of year Deened during the year Closed during the year	39%	20 20 20 20 20 20 20 20 20 20 20 20 20 2	222 488	222
Merger Cases Pending at start of year Opened during the year Closed during the vear	80	*****	~~~	, ~@@

MOTE: Since the exact nature of the violation is often unclear during the early stages of an investigation. Preliminary Incurries and Civil Investigative Deamaid are consolitates for Termination and Prevention of Private Cartel Behavior and Perservation of Competitive Market Structure.

In 1988, the Division reviewed 2,747 reports of mergers and acquisitions filed under the Hart-Scott-Rodino Act. This number compares to 2,533 and 1,949 reviews conducted for 1987 and 1986, respectively. It challenged 46 mergers and opposed 11 mergers 1988 because of lessening of composition in the affected merkets. In addition, the Division filed five section 7A cases pursuant to the Clayton Act, 15 U.S.C. § 184, which requires notification of the Division of proposed mergers. Civil penalties totalling \$2,194,000 were assessed in these cases.

On April 4, 1988, the Division announced creation of a task force to augment the Division's litigation capabilities for enforcement of the ATET consent decree. The task force includes several attorneys on temporary assignment who will work with headquarters attorneys on decree investigations and litigation. The Division faces increasing pressure from the court presiding over enforcement of the modified final judgment in the ATET case to devote more staff time in order to expedite a large number of decree-related matters.

Merger analysis and enforcement today is a sophisticated economic esercise. Depending on the transaction, attorneys and conomists are because the service of define and analyza likely competitive effects in anny relevant marketis. Review of the define and analyza likely competitive effects in anny relevant marketis. Review of notification processes are notification or increase as take-over bits escalate. The objection has attained to propose certain reports. These duties must be performed and deadlines must be met.

Between now and 1990, the Division anticipates an evolving marketplace that will require investigations or partial deregulation. In many such industries, firms have never competed with one another. Industry analyst or partial deregulation of the airline industry, such market forces unleashed by deregulation of the airline industry. Such margers may be proceeded with one another. Industry market, not they may be attempts to reduce or fleinter competition in such markets. It distinguish the two types of margers review in the industry. Such markets. To distinguish the two types of margers review in Division caseload are expected, both in the form of structural analysis and business eview.

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	1989	3 E	acted		1990 Base	777	661	0 51	1990 Estimate	Incre	ncrease/Decre	Crease
	202	¥	Pos. WY Amount	8	₹	Pos. YY Amount	8	≱	os. W Amount	Pos.	¥	Amount
Policy analysis, legislation and training	99	66	\$4,586	8	89	54 ,848	8	89	£4,848	:	:	÷

<u>|kong-kanse Gaal</u>: To enhance the quality of enforcement activities through economic and statistical analysis, to ensure that the objective of increased market competition is vigorously promoted in new legislation and regulation, and to improve training for Division employees.

Major Objectives:

To develop sound economic bases for investigations and litigation to ensure that the enforcement program is beneficial to the economy.

To encourage the submission and passage of legislation promoting a competitive economy and discourage legislation granting unjustified exemptions from the antitrust laws or hampering their enforcement.

To enhance the litigation skills of Division attorneys and train support staff in the use of the increasingly sophisticated tools available to the legal community.

Base Program Dascription: Enforcement of the antitrust laws is unique in that precisely what conduct and particularly which merger are probledled by those laws often can be desemined only after careful economic analysis. Errors in antitrust to the Obvision: This, economists are a key adjunt to the Obvision: This, economists are a key adjunt to the Obvision: The Table 1891 staff. Equally important is careful economic attention to relief sisses, as avidanced by the intricacties of the recent restructuring of the Ball system. Finally, hundreds of beginstive proposals must be considered by the Department and year year. The Object of the Second Secon

Accomplishments and Morkload: Accomplishments of the Policy Analysis, Legislation and Training Program are presented in the following table:

			Estie	Hes
Item	1987	1988	1989	88
Congressional Appearances	6	.	15	5
White House Correspondence Referrals	151	93	150	150
Congressional Correspondence	322	305	300	300
Congressional and OHB Requests for Comments	341	369	300	300
Economic Policy Special Projects	×S	45	\$	9

Of special significance to the Policy Analysis. Legislation and Training Program most recently, was the release, on November 10, 1889, of the Obvision's rew Antitute Enforcement Guidelines for International Operations. The Guidelines, which replace a similar guide issued by the Division in 1977, cover a wide variety of antitutis issues that can arise in international business transactions. The revision of the 1977 Guide was made necessary by a large number of significant changes in antitute law and policy that have occurred since 1977. The new Guidelines reflect these changes, and in particular recognize the realities of a global economy.

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Although these Guidalines provide particular guidance concerning international operations, they also provide an extensive statement and illustration of the Division's general enforcement policy with respect to nearly every type of business transaction. The Guidelines cover seven areas: criminal enforcement, anonopolization, mergers, joint ventures, veriteal momprice distribution arrangements, intellectual property licensing arrangements, and factors that may determine whether the Division will take action with respect to certain conduct involving foreign parties.

The Guidelines are designed to ensure that uncertainty about the Department's enforcement policy will not serve as a barrier to convextion and the competitiveness of American industries. The Guidelines will enable firms to avoid conduct that hours U.S. consumers, but will not deter them from engaging in lawful, efficient conduct that may improve their ability to compete in world markets. This is a significant achievement in the realm of antitute enforcement definition and expression, and the Guidelines are anticipated to serve as a handbook for antitrust enforcement policies, foreign and demestic, through the 1990's.

Economists provide early evaluation of the economic significance of business activities proposed for investigation and preliminary subjest of proposed mergers and acquisitions, thus determining at an early stage the desirability of using limited resources to conduct such investigation. Economists identify and focus the economic issues involved in an investigation or case, assist in the development of the theory of the case, identify and pressing that encessary to support the Division's position, and essist in development of frial strategy relating to the economic issues. Specifically, economists evaluate the competitive effects of business activities proposed for investigation; and analyze proposed mergers and acquisitions by determining product and geographic markets and identifying potential entrants.

Economists play a significant role in assisting and improving the Division's criminal antitrust enforcement. Economists work with stermeys conducting grand jury investigations to determine the identity of conspirators, the scope of conspiratios, and how conspiratios functioned. Defendants in bid righing and price fitting cases frequently use economic testimony in their defenses, and economists work to anticipate these defenses and rebut them at trial.

The Division's legislative program entails drafting and supporting legislative proposals to amend antitrust laws or other statutes addecting compatition; analyzing proposed legislation, draft reports, and testimony prepared by other agencies; and, submitting comments on such materials to other divisions, the Office of Management and Budget, and Congress. It also includes preparing testimony to be given on behalf of the Department and the Administration, and coordinating responses to correspondence or other inquiries received from Congress or forwarded from the White House.

•	86	25	Perm.	Para	8	1990 Base	86	3	Parm.	Increa	\$0/95	Crease.
	Pos	ቛ	Amount,	Pos	₹	Amount	Pos.	덫	Amount	Pos	궠	Pos. MY Amount
Competition advocacy program	34	8	\$2,402	ž	34	\$2,553	3	34	\$2,553	:	:	:

<u>Agna-Rance Ggal</u>: To eliminate unnecessary or counterproductive governmental interference with free market forces and seek adoption of the most competitive means of achieving overriding social purposes.

Major Objectives:

To achieve greater competition in regulated industries.

To protect and promote competition in industries which recently have been deregulated.

To stimulate competition in the delivery of professional services.

To reduce or eliminate antitrust immunities enjoyed by particular industries.

To encourage competition as new technologies are devaloped.

To prevent or minimize protectionist restrictions on free and fair international competition.

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Base Program Description: As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and adoption of the accordance through participation in proceedings before regulatory aspecies and in executive branch edilbrations relating to competition policy. Authority these various activities is found in 28 C.R. 90.40; the Federal Coal Leasing Amendments Act of 1965; the Despecter of 1974, 30 U.S.C. §133 30 U.S.C. §135(6ds); the Actoric Energy Act of 1964, 42 U.S.C. §135; the Federal Aviation Act, 49 U.S.C. §137 1966 Bank Herger Act, 12 U.S.C. § 1828; the Bank Holding Company Act, 12 U.S.C. §1947; the National Housing Act, 12 U.S.C. §137 10

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Accomplishments and Workload: Accomplishments of the Competition Advocacy Program are presented in the following table:

## 1 P	1987	1988	1989 Estimates	1990
			7	
Participation in bunk merger proceedings Total Streenings I/ Savings and Loan Letters Bank Hoding Letters Herger Letters	1,918 36 2 882	1,815	1,700 35 5 900	1,700 35 5 8
Participation in regulatory agency proceedings Department of Transportation (DDT)	5	4	:	:
Federal Communications Commission (FCC)	m	_	: :	: :
Federal Energy Regulatory Cosmission (FERC)	23	22	: :	:
Federal Maritime Commission (FMC)	~	en ;	:	:
Interstate Commerce Commission (ICC)	۰2	=	:	:
Other	7	4	*	***

1/ fotal screenings include review of bank holding company activities in addition to savings and loan letters, bank holding letters,
2/ The Division cannot estimate by particular agency where participation will prove fruitful in 1989 and 1990.

The President's Commission on Privatization included in its March 1988 report to the President the recommendation, among others, that the U.S. Postal Service be reviewed for privatization potential. This recommendation is commensurate with the goal of the private sector and which should remain governmental.

In cooperation with other Government agencies, the Division is studying the options available for improving postal service through greater use of competition. At present, postal services are largely provided by the U.S. Postal Service on a monopoly basis. The types of questions to be addressed include whether the postal service, or portions of postal service (geographically or functionally defined), are what economists call "usural amonopolies"; whether elements of postal service (geographically or functionally addressed include whether competitive reforms were introduced, other objectives (e.g., adquate and reliable national de service) could be assured. The Division was asked to serve as the focal point for the study of no other areas of the economy.

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	6 S	35	acted	Perm	2	926	Pe II	=	mate	Perm	3 6 /06	re459	
	Pos.	덡	Pos. MY Amount	Pos	⋠	Pos. WY Amount	P05.	⋠	Pos. WY Amount Pos. MY Amount	Pos.	¥	Amount	
and administration	69	73	\$3,896	69	73	\$4,197	69	23	\$4,197	:	:	:	

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L<u>ong-Range Goal</u>: To provide effective and efficient management and policy direction of all Antitrust Division activities.

Management

To serve as articulate and persuasive spokespersons for competition policy within the Administration, before regulatory agencies and the Congress, and before the general public.

to allocate resources and control current and future workload and output of the Division to produce results beneficial to the public.

To provide effective and efficient administrative support for all Antitrust Division activities.

Base Program Description: Top management provides policy quidance, administers controls, and directs the full range of Olvision administers controls. In addition to specific case direction Olvision management officials make significant contributions to overall administration and management, determining the allocation of limited resources among competing programs to meet the varied resources among competing programs to meet the varied propriate the varied propriate the varied competition policy and its impact on legislative and Governmental actions. The administrative appect of this program encompasses a vide variety of tasks to provide the resources and tools needed by the attorneys and economists to do their jobs.

Accomplishments: In the area of litigation support, the Division has expanded both the number and the scope of investigations and cases receiving automated support through minicaputer-based systems and computer-peachies. Assume through minicaputer-based systems and computer-peachies to detact and bivision continued the statistical analysis methods in support of important program initiatives to detact and proceeder and intercompetitive, compitational based analysis and bid injury as presentations of compiles pricing patterns have been introduced into evidence and have played a key part in the onstain-readable naterials or compiles pricing patterns have been introduced into evidence and have played a key part in the onstain-readable naterials from businesses and from federa in the other continues to expand the use of these products and enhance assisting data analysis procedures to bidding, pricing and market shares. In order to provide a continued high lavel of support to its sections and field offices, the package called the Antitrust Information Recrieval System (ARRS) are designed, developed and implementing and processing operate on existing Division accipanced and expected the Antitrust Information Perivace and analysis of portable professional computers for remote the bulk on the Division's workload. Additionally, the Division has made use of portable professional computers for remote the bulk on the Division's quality and off-site support.

The Division has continued to expand the availability of litigation support services to its professional staff through improvements in minicoquier-based systems as well as judicious use of mainframe software systems. Continued deployment of these important tool is essential as the Division faces an increasing workload with scarce resources. It is imperative that an adequate base level be provided to this program, as it forms a hub of vital support to enforcement programs.

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Antitrust Division
Salaries and expenses
Financial Analysis - Proorem Change
(Dollars in thousands)

	Jermination and Prevention of Private Cartel Behavior	rention of shavior
Item	Pos.	Amount
6124481 65-50 65-40 65-40	የ ተተተ	2 1 1 1 80 2 2 2 2 3 3 3 4 3 3 4 3 3 4 3 3 3 3 3 3
Total positions and annual rate	ç-	- 87
Total workyears and personnel compensation Personnel benefits.	87- 	- 87 - 13 53
Total program workyears and obligations changes requested, 1990	د	- 47

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Antitrust Division

MARKET

Status of Congressionally Requested Studies, Reports and Evaluations Salaries and expenses

The Senate Appropriations Committee noted that presently, there are pending several bills before Congress which would deregulate town oil and obstrolems product pipelines, and pipelines carrying anhydrous ammonia, natural gas liquids, and propane. The committee instructed the Antitrust Division to study the competitiveness of the anhydrous ammonia, natural gas liquids, and propane pipelines and to report its findings to the Congress.

Under the supervision of the Task force on Regulatory Relief, chaired by the Vice President, DOE, DOJ, and OMB worked with and elgelistors, the oil pippine industry, and other interacted parties to develop proposed legislation that would deregulate many oil and significant the oil product pipplines, while reforming regulatory scheme. The resulting bill was submitted to the Congress on September 7, 1988, and introduced as S. 2770 and H.R. 5289. While no action on the legislation was possible in the 100th Congress, proponents expersed the hope that it would provide the basis for action in the 101st Congress.

The bill itself does not require a special, initial study of anhydrous amonis, natural as ilquids, or propane pipplines. However, if Congress decides that such population to be Screazary of Energy within 120 data on ancement as to which such pipplines should continue to be repulsed, just as he would be called upon to make recommendations to the Screazary of Energy within 120 data with respect to oil and oil product pipplines should continue to be

Antitrust Division Salaries and expenses Priority Ranking

	Ranking	-	8	9	•	w	•
Base Program	Program	Termination and Prevention of Private Cartel Behavior	Preservation of Competitive Market Structure	Federal Appellate Activity	Competition Advocacy Program	Policy Analysis, Legislation and Training	Management and Administration

Antitrust Division Salaries and expenses Detail of Paragonat Positions by Category Efsal, Vetr 1908 - 1990

	1000	0801	61	8
Category	Authorized	Authorized	Decreases	Total
Attorneys (905) Paralegal Sectalists (900) Other Legal and Kindred (900–998) Social Sciences, Economics and Kindred (100–199) Genes al Administration, Clerical and Office Services (300–399) Business and Industry Group (1100–1199) Wathematics and Statistics Group (1500–1999)	258 36 32 32 170 10	258 56 16 170 10 10	· ::::\ ⁴ :::	258 258 312 32 555 50 1
Total	549	549	ş	35
Vashington U.S. Field	400 149	400 149	ş-	395 149
Total	549	549	ç.	1115

Work-	23	:	÷	:	: :	:	:	:	: :	:	:	11	3	41	270
Perior Post	2	:	:	:	: :	:	:	:	: :	:	:	11	Ħ	á	3
Antitrust Division Salaries and expenses Summary of Change (Dollars in thousands)	Department of Justice Appropriation Act, 1989.	Adjustments to base: Transfer from the General Administration appropriation for Financial Operations Services	Mandatory increases: Annualization of 1989 pay increase	Underlar James Practices	Tealth Deserves	Federal Employees' Compensation Act (FECA) ~ Unemployment Compensation	Col. Rent.	CAN FECULTING THE BUILDING SETTINGS.	・ 「	GPO printing costs	Congral pricing level adjustments.	Total, mandatory increases.	1990 Base	Program Changes: Termination and prevention of private cartel behavior	1990 Estinate

Antitrust Division Salaries and expenses Justification of Adiustments to Base (Dollers in thousands)

er . No.

		Amount
Lans	Transfer to and from other accounts: 1. Financial Operations Service Transfer	\$165
	This is a transfer of \$165,000 from funds appropriated to the General Administration appropriation for financial services to the Antitrust Division, a user of the Financial Operations Service (FOS), Justice Management Division. The amount transferred is based on estimated usage. Beginning in 1990, costs of FOS functions, which include accounting, voucher processing, financial reports, etc., will be charged back to each user organization.	
enda)	Eurotatory Increases: 1. Annualization of 1989 pay increase	672
	This provides for a portion of the January 3, 1989, pay increase authorized in P.L. 100-440, the Treasury, Postal Sorvice and General Covernment Appropriation Act, 1989. The Division will be required to absorb the total pay raise in 1989. The required for the amount required for full year funding in 1990.	
તં	Special Salary Rates	153
	This request provides increases as authorized by law in S U.S.C. 5303. The Office of Personnel Management (OPM) has approved these rates for positions where retention and recruitment of qualified applicants is difficult. Funds in the amount of \$153,000 are required to meet this cost increase.	
e,	Vithin-grade Increases	145
	This request provides for the expected increase in the cost of within-grade increases. This increase is based on a dynamic model of actual Department requirements.	
4	Health Benefits	176
	The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health instructs would be 60 percent of the total rate commencing in 1875. Effective for the first pay period after January 1, 1988, the actual contribution to health insurance increased 33 percent. In addition, OPH has indicated that it anticipates an increase of at least 15 percent by 1990 due to premium increase. The requested for increase of \$175,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the minimum 15 percent increase predicted by OPH. The actual average increase is 24 percent.	
ķ	Federal Employees' Compensation Act (FECA) - Unemployment Compensation	8
	This increase reflects the billing provided by the Department of Labor for the actual costs in 1988 of employees' unemployment compensation. The 1990 amount will be \$2,000 over the 1989 base.	
ڧ	65A rent	274
	654 will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. An uncontrollable increase of \$274,000 is required to meet our commitment to 654.	

	7	6SA recurring reimbursable services	\$
		Reimbursable payments are made to GSA for heating, ventilation and air conditioning provided in excess of normal working hours and for guard services. An estimated 1.1 percent increase of \$5,000 in fees for these services in 1990 over the 1989 charges of \$454,000 is required.	
	6	Federal Telecommunication System (FTS)	122
		In 1986, the General Services Administration authorized a 16 percent increase in Federal beautiful to secondifications System (FTS) interrity costs. This increases was authory due to unanticipated tariff increases. GSA cost estimates. For 1990 the continued to climb bayond initial astimates. For 1990 this compast includes a 20 percent increase in FTS costs. The actual increase over the 1980 base availability is 24 percent. An increase of \$122,000 over the 1989 base of \$508,300 is requested.	
	œ	Telephone service	307
••		The Department is replacing an obsolate, ineffective, and expensive Centrax telephone system with a state-of-the-next, high-parformance, and cost effective digital telephone system in the Mashington area. Costs for leased Centrax lines and their associated terriff rates have steadily increased since 1979. The current system provides the Department with little control over telecomomnications costs. After five years, the Department will own this medora telephone system and it will significantly improve the winds partment will own this medora telephone system and it will significantly improve the minimize potential waste and abuse of the telephone system. However, it will also require a substantial increase in the per-line rate to cover higher operating aspanses for the first fire years. Beyond five years, only maintenance costs will be required. It is estimated that the line rate will be increased from \$200, 100.	
	<u>.</u>	6P0 printing cotts	6
		The Government Printing Office (GPO) is currently projecting a four-percent increase over the 1989 printing costs of \$225,000. An additional \$9,000 will be required in 1990.	
	Ë	General pricing level adjustments	278
	•	This request soplies OMB pricing guidance as of November 17, 1988, to selected expense categories. The increased costs identified result from applying a factor of 2.1 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or equilation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990 estimates.	
	2	Full-field investigations	\$24
		The Office of Personal Management (OPM) has catfried users of an average 11.5 percent increase in the standard rate charged for various types of full-field investigations. An increase of \$24,000 will be required in 1990.	
		Total, mandatory increases	2,167
		Total, adjustments to base.	2,332

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	Ansunt	\$212	356	655	so o	22	744	
~	Morkstanse Positions & Morkstanse	ş-	:: :	-5	::		\$-	
	Anount	\$25,412	-2,144	23,268	619 756	505 185	25,030	(\$75,424) (\$43,298) (12.7)
et Class	1990 Ettimist Port Hons & Mortelland & Morte	544	: ₹	496	57	: eo :	534	
ion nses le and Obie ands)	Amount	\$25,200	-2,231	22,613	914	 200 112	24,286	(\$74,678) (\$42,857) (12.7)
Antitrust Division Surmary of Resoultements by Greda and Object Class (Dollars in thousands)	1989 Estimate Positions 6 Positions 7 Posi	249	: 9	105	13 71	. 60	539	
Sa ry of Regul	Amount	\$23,774	197 -2,725	21,141	596 455	30 187 331	22.740	(\$72,454) (\$41,374) (12.7)
Suma	1988 Actual Positions & Positi	25	::-	478	4 2		523	
,	NA TTT	65-3 \$12,531-16,293	Pay above stated annual rates Lapses	Net full-time permanent	Other than permanent: Part-time permanent Temporary employment	Other part-time and intermittent employment. Other personnel compensation: Overline.	Total, workyears and personnel compensation	Average ES Salary

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		988 Actual		1989 ESTIMATE	- 1	1990 Reduest		Increase/Decrease	76356	
900	Object Class	Workvears	Amount	Vorkyears	Amount	Morkvears	Amount	Workvears	Amount	
1.5	-00	478 37 8	\$21,141 1,081 518	30	\$22,613 1,361 312	న ే స	\$23,268 1,375 387	ጭ	\$655 14 75	
22	Total, workyears and personnel compensation. Personnel banefits. Benefits to former personnel	523	3,313 45	539	24,286 3,592 36	534	25,030 3,690 36	ሳ	48	
2 222			1,264 406 5,087		1,363 381 5,313		1,417 394 5,587		2°52	
3888			2,245 272 5,980 3,066		2,556 2,89 5,804 817 500		2,788 320 6,219 845 896		38 85 3 38 39 85 3 3 8	
	. Total obligations		45,216		44,937		47,222		2,285	
-	Relation of obligations to outlays: Obligated balance, start-of-year Obligated balance, end-of-year Adjustments in expired accounts		14,499 -15,847 -499		15,847 -10,941		10,941			
	Outlays	-	43,369	-	49,843	1	44,793	1		

Antitust Division Salaries and expenses Consulting and Related Services (Obliars in thousands)

Marie Control

4

	1988 Actual	1989 Estimate	1990 Estimate
Consulting Services	\$ 31	\$ 23	:
Management and Professional Studies	:	:	:
Special Studies and Analysis	25		
Total	26	23	:

Consulting and related services are used in the Antitrust Division only for services which cannot be performed in-house.

The President's Commission on Privatization included in its March 1988 report to the President the recommendation, among others, that the U.S. Postal Service be reviewed for privatization potential. This recommendation is communicate with the goal of the bipartisan Commission to review the activities of the Federal Government and identify which are more appropriately part of the private sector and which should remain governmental.

In cooperation with other Government agencies, the Division is studying the options available for improving postal service through greater use of competition. At present, postal services are a largely provided by the U.S. Fostal Service or a enomopoly basis. The greater what conditions are the conditions of postal service (egegraphically or functionally defined), are what economists call "natural monopolies", whether element of postal service pervice (egegraphically or functionally through "contracting out" or through private competition; and the competitive reforms were introduced, other objectives (e.g., adequate and reliable nationwide services) could be assured. The Division was asked to serve as the focal point for the study because of the economy.

Funds in the amount of \$31,000 in 1988, and \$23,000 in 1989 were obligated for outside consultants to augment the Division's expertise in the area of postal economic reform. Need for outside consultants related to the privatization study should be concluded prior to 1990.

Services were also required in 1988 for the assessment of the Division's current and long term needs for information processing and for the determination of the effectiveness of current ADP capacity to meet these requirements. This was a one-time contract which will not recur in FY 1989. Funds identified above are dedicated to the Termination and Prevention of Private Cartel Behavior and Competition Advocatey Programs.

Mr. EARLY. Deputy Assistant Attorney General, Kenneth G. Starling will testify on behalf of the Division. Mr. Starling, you may proceed with your statement.

STATEMENT OF MR. STARLING

Mr. Starling. Thank you very much, Mr. Early, Mr. Carr. I'm happy to be here today in support of the 1990 budget request for the Antitrust Division. With me this afternoon is the Division's Executive Officer, Mr. Ralph Justus. I have a written statement which I would request be included in the record, and I'd like to give a shorter version of it right now, if I may.

Mr. EARLY. We'll include your written statement in its entirety

in the record.

Mr. Starling. Thank you, sir.

The Division's request is for 544 positions, 526 workyears and \$47,222,000, reflecting a program reduction of five positions, five workyears and \$47,000 and funding of \$2,167,000 for mandatory cost increases in 1990. Now the most significant mandatory cost increases include the annualization of the January 1, 1989 pay raise, GSA rent increases, the Division's share of the Department's effort to replace an obsolete telephone system, and the costs of the Federal employee health benefits program.

Vigorous prosecution of criminal antitrust violations, such as price fixing and bid rigging is the Antitrust Division's highest priority enforcement activity. Our other priority areas are merger enforcement, and the enforcement of the consent decree in the AT&T

monopolization case.

It's widely recognized in the Antitrust Bar that criminal enforcement is a very important and successful program. To illustrate, during fiscal year 1988, the Division filed 87 criminal cases involving 89 corporations and 78 individuals. Right now, we have about 160 grand juries investigating possible violations. It's very likely that they will produce good cases. As a result of antitrust cases, over \$30 million in fines, penalties and judgments were assessed in 1988. An important component of this effort is an intensive probe of price fixing, bid rigging, and fraud in the area of Federal procurement. Currently the Division bas 41 grand juries looking into criminality in this area.

In addition, the Division continues to review a record number of filings with respect to mergers. The number was over 2,700 in 1988. We challenge those mergers that are likely to injure competition and consumers. In fiscal year 1988 we filed six merger cases, and six other transactions were called off after we indicated to the parties that we would challenge them if they went forward. We continue to meet an escalating caseload in the merger area with fewer

resources

During this time of necessary belt tightening the Division, we think, has done its part. While the Antitrust Division's staffing has declined over 40 percent in the recent past, the Division has endeavored to remain on top of its caseload. Our productivity has increased significantly. I think that the entire staff of the Division is to be congratulated for its professional and tireless devotion to the mission of law enforcement.

able cost increases. This budget will enable the Division to sustain its prosecution of per se illegal horizontal agreements and the enforcement of the merger laws. However, these uncontrollable cost increases have been absorbed by the Division recently, when our budget level has been frozen. Absorption of salary, benefits, rental increases and the like, threaten our core antitrust enforcement efforts. And relief, as modest as we have requested it here, is essential to our basic mission.

In summary, antitrust enforcement remains an integral part of our economic policy, and our budget request is in keeping with our necessary and proper contribution to the Government-wide effort to reduce Federal spending while protecting the economic welfare of the American consumer.

of the American consumer.

This is the conclusion of my prepared remarks. The Department appreciates the Subcommittee's continued support for our antitrust enforcement program. I'd be happy to respond to any questions that you may have of me.

[The prepared statement of Mr. Starling and the biographies follow:]

ANTITRUST DIVISION STATEMENT OF THE DEPUTY ASSISTANT ATTORNEY GENERAL KENNETH G. STARLING

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

Budget Request

I am pleased to have the opportunity to appear before you in support of the 1990 budget request for the Antitrust Division. With me this afternoon is the Division's Executive Officer, Ralph Justus. The Division's request includes 544 positions, 526 workyears and \$47,222,000, reflecting a program reduction of 5 positions, 5 workyears and \$47,000, and funding of \$2,167,000 for mandatory cost increases in 1990. An additional sum of \$165,000 is shown in our budget as a transfer from the Department's General Administration appropriation for accounting services. The most significant mandatory cost increases include: \$825,000 for the annualization of the January 1, 1989, pay raise; \$274,000 to meet GSA rent increases; \$307,000 for the Division's share in the Department's effort to replace an obsolete telephone system; and \$176,000 to meet the escalating costs of the Federal employee health benefits programs.

Accomplishments

Vigorous prosecution of criminal antitrust violations, such as price fixing, bid rigging and market allocations among competitors, has been and will continue to be the Antitrust Livision's primary enforcement activity. This is a vitally

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important program with which we have had considerable success. During fiscal 1988, the Division filed 87 criminal cases involving 89 corporations and 78 individuals. As a result of Antitrust enforcement suits, over \$30 million in fines, penalties and judgments was returned to the Treasury in 1988. Integral to this effort is an intensive probe of bid rigging and price fixing activities in connection with Federal procurement. Currently, the Division has 41 grand juries investigating alleged criminality in this vast area of commerce.

The Division continues to review record levels of premerger notifications, which numbered over 2,700 in 1988. We continue to meet escalating caseload with fewer resources.

During these times of necessary "belt-tightening" to reduce Federal spending and the Federal deficit, the Division has done its part. While the Antitrust Division's staffing has declined over 40 percent in the recent past, the Division has endeavored to remain abreast of caseload. Our productivity, as measured by cases and investigations, has increased significantly. The entire staff of the Division is to be congratulated for its professional and tireless devotion to the mission of maintaining competition and prosecuting economic crime.

Future Efforts

The Division now seeks resources necessary to meet unavoidable price increases. This budget will enable the Division to sustain its prosecution of per se illegal horizontal agreements and to contribute modestly to the Department-wide effort to curb

organized crime. In the past year, the Antitrust Division has begun to work with the Organized Crime Strike Forces and the FBI, developing a program to use the antitrust laws to combat the infiltration of legitimate business by organized crime. However, large uncontrollable cost increases have been absorbed by the Division recently, when our budget level was frozen. Absorption of salary, benefits, rental increases, and the like, threaten not only important ancillary functions such as work in the fight against organized crime, but also our core antitrust enforcement efforts. Relief, as modest as we have requested here, is essential to our basic program.

Summary

The previous Administration, with your help, made significant progress in the area of procompetitive deregulation, progress which, under the steady hand of the new Administration, will no doubt be continued. Antitrust enforcement remains an integral part of this policy. As we have said in the past, we will not hesitate to seek additional resources if more are deemed necessary to ensure that consumers are not threatened with significant economic harm from activities that violate the antitrust laws. At this time, I am confident that our budget request is consistent with that pledge, is prudent, and is in keeping with our necessary and proper contribution to the critical Government-wide effort to reduce Federal spending while protecting the vital economic interests of the American taxpayer and consumer.

Mr. Chairman, that concludes my prepared remarks. On behalf of the Department, I appreciate your and the Subcommittee's continued support for our antitrust enforcement efforts. I would now be happy to respond to any questions that you or other members of the Subcommittee may have.

BIOGRAPHIES

KENNETH G. STARLING

Kenneth G. Starling, 41, is the Deputy Assistant Attorney General for Policy and Legislation in the Antitrust Division of the Department of Justice. Prior to his present position, Mr. Starling served in a number of government positions including Chief Counsel for Antitrust at the Senate Committee on the Judiciary; Assistant Director for Litigation at the Federal Trade Commission's Bureau of Competition; Assistant United States Attorney for the Western District of North Carolina; and Minority Counsel to the Monopolies and Commercial Law Subcommittee of the House Judiciary Committee. He has also been in private law practice in Washington, DC. Mr. Starling, a graduate of the Duke Law School, has also served as a noncommissioned officer in the United States Army Reserve. He is married, has two children, and lives in McLean, Virginia.

RALPH J. JUSTUS

Ralph J. Justus, 46, is the Executive Officer in the Antitrust Division of the Department of Justice. Mr. Justus has been with the Department for 14 years serving in a variety of positions. Prior to joining the Department, he was a Budget Analyst in the Veterans' Administration. Mr. Justus is a graduate of Tufts University and holds a doctorate in economics from George Washington University. He served as an Army Infantry Officer in the Republic of Vietnam. Mr. Justus resides in Alexandria, Virginia with his wife, Marilyn, and son, Adam.

ADEQUACY OF REQUEST

Mr. EARLY. Thank you for your testimony. I have several questions, but I'm going to yield to Mr. Carr, who's been very patient all day.

Mr. Carr?

Mr. CARR. I thank you, Mr. Chairman, and I thank you for indulging me by the courtesy you just extended to me, and the one before.

I just might say that, number one, the work that you do is, in my judgment, among the most important work that the Justice Department does. And while all efforts in finding criminality wherever it is, and in fighting drugs, and so many other things, bank fraud etc., is very important. It seems to me that the kind of return that your Division can give to the economy—not just the \$30 million you bring into the Treasury, but the recovery and the health that you keep in a free-market economy, is at the core of what our Country is about. And so, my remarks are not to be interpreted as unkind to your mission or the job you've done.

I also want to join you in congratulating all your employees for doing a marvelous job.

Mr. STARLING. Thank you for that.

Mr. Carr. And having said all of that, I find your budget request is just incredible. You correctly cite that your main focus has been the bid rigging and price fixing activities in connection with Federal procurement. And we know just by reading the newspapers that the activity on that front has just skyrocketed. As you point out in your own statement, there is an escalating caseload on pre-merger notifications, and you're doing that with fewer and fewer resources. And then you end up asking for only the same amount of money,

actually less than last year, fewer positions. And its sort of dis-

missed by the word productivity.

And I'm an old lawyer. I'm almost over it now. It's not terminal, I can tell you. I've worked in public law enforcement. I was in the Attorney General's Office of the State of Michigan. And you're not getting that much productivity increase. And I think you've asked for too little money for the important job you've got. Now what did you request of the Department to begin with?

Mr. Starling. For fiscal year 1990?

Mr. CARR. Yes.

Mr. STARLING. While I'm getting that, I will point out that for last fiscal year we did request funding for an additional 25 attorneys, which we hoped to devote to the cartel enforcement activity. That was included in our request to Congress, but neither the Senate nor the House thought that it would be appropriate to grant those increases for this fiscal year.

So, with that in mind the request that we made to the Depart-

Mr. Justus. Yes, we asked for \$48,715,000, which included the 25 positions that we lost in 1989. So we actually asked for 25 more positions than are reflected in this budget.

Mr. CARR. Did the Department then turn that around and go to

OMB and ask for it?

Mr. Justus. We did go to OMB with the 25 positions.

Mr. Carr. Okay.

And then OMB turned you down?

Mr. Justus. Yes, sir.

Mr. Starling. This year, that's right.

NEW JURISDICTION FOR AIRLINE MERGER REVIEW

Mr. Carr. Well, we may have been part of the problem in the past, and to the extent we have, shame on us. And I'll spend some time this year trying to correct that.

I want to direct your attention to the fact, that you're picking up

a big chunk of new jurisdiction in the airline area.

Mr. Starling. Yes, sir.

Mr. Carr. And I also serve on the Transportation Appropriations Subcommittee and airline issues are important to me and ones that I know a bit about. And I can tell my colleagues on the committee, I'll fight for you, too, but you've got to be asking for more help than you have. It tends to be difficult to try to wind your way through some of the arcane and very complex issues relating to pre-merger notification on things like computer reservation sys-tems. The impact of that is not only on the consumer vis-a-vis the consumer's knowledge of pricing in the marketplace, but the subsidiary, and you might say the phenomenon of the computer reservation system as a precursor for further airline mergers themselves.

It puts an enormous responsibility on you. And this is not an easy area. This is a complex economic and legal analysis.

Mr. Starling. Yes, sir. I would agree with that.

Mr. Carr. And you're just not going to be able to do it with your existing resources, unless you can testify today that there are major chunks of your pre-merger notification caseload that are just going to "fall off the end of the line" because they're completed or done and you've got suddenly a freeing up of, a bonanza of new capacity that you can now devote to this brand new responsibility in airlines, I don't see how you do it. And you've already testified that the bid rigging and price fixing activities are your main core and main focus.

So to the extent that you're going to husband resources, scarce resources, something else is going to fall off the end of the line, and the Congress may not be aware of what they've wrought here. But it must be explained that this whole idea of deregulated airlines is only going to work as long as there's competition in the system. And right now there's only one agency of Government that's going to guarantee that competition, Mr. Chairman. That's the fellow sitting right in front of us, and we're giving him less money and less positions.

Now, there's no person on this subcommittee that has done more for the Justice Department than Congressman Joe Early. So I'm trying to enlist his help in helping our markup get you some more money. But I just don't see how you're going to do it under these

conditions.

I honor you for trying, but you're not going to do it.

ANTITRUST DIVISION REVIEW OF AIRLINE MERGERS

Mr. STARLING. I appreciate that.

Let me just address the airline merger situation for a minute, and by this I don't mean at all to reduce your resolve to help us out. But I don't think the airline merger caseload situation is as dire as it may appear, because even though the authority to make the ultimate determination on airline mergers before the end of last year, was with the DOT, we participated extensively in those proceedings. And so you could suggest that the quantum of work necessary in the Antitrust Division to deal with an airline merger now that we have sole authority, will not be much greater than the work that was done to provide our input and recommendations into the DOT proceedings.

Also, we are up the learning curve somewhat on airline mergers. Also, I think it's generally recognized in the industry that our standards, with respect to airline mergers, are tougher than the DOT standards were. In all but one major airline merger the Department of Justice recommended that the deal not be approved or that modifications be made, but the Department of Transportation approved those transactions, notwithstanding our recommendation.

And so we have already been spending some time and some resources on this area. We will handle airline mergers the same way that we handle other mergers that come in, in the normal flow of Hart-Scott-Rodino filings. We have no control over those. Those are dictated by numerous factors, including interest rates, tax laws, foreign exchange rates, a number of factors. We do the best we can to be prepared to handle those transactions when they come in with the flow. And that's what we'll do with the airline mergers.

AIRLINE COMPUTER RESERVATIONS

Mr. CARR. Well, I can accept that, and I know that you've got a good record when the shoe was on the other foot, and DOT was running with the ball, but now that you're the mainline responsibility. You're going to get some increase in workload. And it's going to put additional pressure on you.

Furthermore, the computer reservation system is highly complex, and DOT, in my judgment, has dropped the ball in the whole area. I venture to guess that most people may think of an airline as airplanes, when in an economic and business sense an airline isn't airplanes at all. That's just the delivery of the ultimate service. To most airlines, and to the economic reality to most consumers an airline is a computer. And it's an intensely competitive, and should be, at least, an intensely competitive area. But we know that the computers can be manipulated to advantage certain information over other information, to bias the information that the consumer gets so that the consumer really is not in command of his own economic destiny, as we hope that it exists in this country. And in point of fact, that is a much, much more arcane and tougher, and troublesome area that's going to require much more of your attention and consume enormous personnel hours. It's just going to be much harder than considering if Airline A and Airline B and their routes are compatible with one another in a classical antitrust sense.

You're dealing with velocity of information, volume of information, and you're dealing with point sources that go far beyond the airport. And you're just going to have more resources.

Well, I think you know where I stand, and I just have to say that your budget request, is not enough. You've got to fare much better than you have in the past, whether it's by Congress or by OMB.

Thank you, Mr. Chairman.

CASELOAD

Mr. Early. Thank you, Mr. Carr.

Mr. Starling, first of all I want to comment on your remarks about your agency's recommendations with regards to mergers. I think many people in your Division are underpaid, could leave and make a lot more in the private sector.

In reviewing your justification material, it appears as though the number of new cases is increasing, but the number of cases closed is decreasing. Is this an indication that your staffing levels, which have been reduced the past two years, are not sufficient to handle

your workload?

Mr. STARLING. We're pressed, I will say that. I think what that number reflects is that there are a lot of potential criminal violanumber reflects is that there are a lot of potential criminal violations out there in the world, in the economy. I think that what happens when the number of openings gets out of kilter with the number of closings, is simply that when the attorneys who have opened the investigations, some leading to grand jury investigations, some not, explore those potential violations, they may find that an open investigation is not as promising as originally thought. They know that they have some additional work to do to wran it up but they also know that they have other things competwrap it up, but they also know that they have other things compet-

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more promising, that are more likely to lead to violation. So I think what that reflects is, that we are-

INADEQUATE STAFFING

Mr. EARLY. Understaffed.

Mr. Starling. Well, I would not say understaffed, but we are stretched in the criminal investigation and enforcement area.

Mr. EARLY. Now, you're with the Justice Department, you're not

with the State Department. [Laughter.]

Mr. STARLING. I am here in support of the-

Mr. Early. I know, I recognize whose water you're carrying, and you've been very nice to them.

Mr. STARLING. I don't think we have any fat in our budget.

APPLICATION OF RESOURCES

Mr. Early. You have no fat.

Tell me this, are you comfortable that you're able to carry out the responsibilities to promote and maintain competition in the American economy?

Mr. Starling. Yes, sir.

Let me describe how we allocate our resources in general. We have some fixed responsibilities, and then we have a residual. We have fixed responsibilities for the enforcement of the AT&T decree and as you know, that's a very high priority matter. It's very complicated and it requires commitment of significant resources. For the foreseeable future, I think that resource commitment is fixed.

We have another large area of merger enforcement. And as I said to Mr. Carr, we have no control over that. We deal with the number of transactions that come flowing down the river, and some years we see more anti-competitive mergers and have to deal

with them than in others.

Our highest priority, and the priority to which we devote nearly everything else, is criminal enforcement. I would say that there is a lot of criminal antitrust activity out there in the economy at large, and that we are devoting all the resources we have at our disposal to ferreting out those violations and prosecuting those lawbreakers. I think if we had more attorneys we would be able to develop more criminal cases.

OFFICE AUTOMATIONS

Mr. EARLY. I would think, Mr. Starling, especially with the Antitrust Division, that the private legal offices that compete with you are so much better automated than you can ever think of being.

Can you comment on that? Agree or disagree?

Mr. Starling. I think that our office automation system is superb and since I am not as well versed in the technology as Mr. Justus who has been responsible for the development and the installation of the automation system we have, if you have any technical questions about its capability, I'd request that we ask him.

But every attorney has a terminal available. The field offices have computer capability both in the office and at remote trial lo-

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cations. And in my view, in my antitrust experience, the office automation support that we have is second to none.

Mr. EARLY. Do you think, Mr. Justus, that your computer memory, your history, your capacity is the equal to the major law firms you would compete with?

Mr. Justus. I believe so. Mr. Early. Do you really? Mr. Justus. We have a Wang-based system in the Antitrust Division, and I think we can do basically everything the AMICUS system can do. We do legal research, we do litigation support and word processing. I think we have a very good system, and every employee does have a terminal.

ARTIFICIAL INTELLIGENCE

Mr. EARLY. Do you have the availability, in layman's language, now, obtained from a computer to all the legal steps available to you in prosecuting an individual?

I was with the FBI recently, and I was impressed with their new artificial intelligence system which will spit out that you should prosecute these individuals under this law, that law, another law. Mr. Justus. No, we can't do that. That's the artificial intelli-

gence and we don't have that capability.

IMPACT OF NEW LEGISLATION

Mr. EARLY. I would think that's a big thing in antitrust because it is so complex. I agree with Mr. Carr, I don't think there's anything more important than the Antitrust Division, and 14 years ago in Congress, the Antitrust Division was a sacred cow. I'm not blaming it on the Republicans, but it's gone down hill. Before you could not suggest a reduction for the Antitrust Division. Now we get a request, even though you defend for the agency well, that's definitely underfunded.

Are there any trends or legislation recently passed which may result in an increase in workload that you have not anticipated,

that you're aware of?

Mr. Starling. No, sir, I can't. However, I would say in response to that, that when the sentencing guidelines go into effect, and to the extent that our anticipation of them has affected our plea bargaining, we may find ourselves trying more cases, and finding fewer defendants willing to plead, because the penalties are stiffer.

Mr. Early. Sure. I don't think that's questionable. I think that's

a fact.

Mr. Starling. And to the extent that that forces us to trial more often, then it could affect our workload, although I don't think it would affect the number of cases.

EXPIRATION OF THE INTERSTATE COMMERCE COMMISSION

Mr. EARLY. Well, I would suspect it would effect the number of

I understand the Administration proposes to terminate the Interstate Commerce Commission and transfer some of the ICC's responsibilities to the Justice Department. Would you please describe the proposal and how it will impact on your Division?

Mr. Starling. My understanding of this proposal is that the ICC's authority over rail freight rates and services, abandonments and that sort of thing is to be transferred to the Department of Transportation. The ICC's authority to immunize rail rate agreements, pooling agreements and mergers and acquisitions from antitrust law is to be repealed. The responsibility for those mergers and those agreements is to be transferred to the Justice Department, because they are going to be subject to the antitrust laws. They will no longer be immunized.

Mr. Early. Will the transfer from ICC to you of 20 people, and \$1.473,000 be adequate to cover the responsibility they transfer?

\$1,473,000 be adequate to cover the responsibility they transfer?
Mr. Starling. We think that it will. And I want to make clear that our budget request doesn't include funding for that additional responsibility, so if that occurs and the ICC is sunsetted, those workyears and funding need to be transferred over. We're familiar with the funding and we think the funding and those 20 positions will be adequate for us to do that work.

Mr. EARLY. Fine.

I want to thank you for defending a very underfunded budget, Mr. Starling. You did a noble job, and we will conclude this hearing until 10:00 A.M. tomorrow.

Mr. STARLING. Thank you, sir.

TUESDAY, FEBRUARY 28, 1989.

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

WITNESSES

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

DAVID L. MILHOLLAN, DIRECTOR, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ROBERT N. FORD, DEPUTY ASSISTANT ATTORNEY GENERAL, DEBT COL-LECTION MANAGEMENT

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Introduction

Mr. Early. The hearing will come to order.

We will continue with our review of the Department of Justice. We will now hear testimony concerning the General Administration and Office of Inspector General appropriations accounts. The request for fiscal year 1990 for General Administration is \$99,325,000 and is \$19,433,000 for the Inspector General. We will insert in the record at this point the fiscal year 1990 budget justification for these accounts.

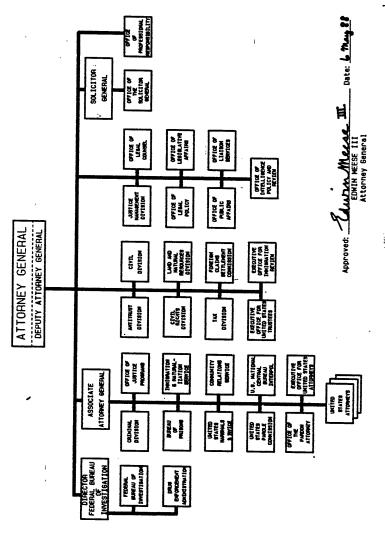
[The justification of budget estimates information follows:]

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Department of Justice General Administration Estimates for Fiscal Yes, 1990 Table of Contents Mumber

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U.S. DEPARTMENT OF JUSTICE



General Administration Salaties and Expense Eugmary Statement Fiscal Year 1990 The General Administration appropriation is requesting, for 1990, a total of \$99.325,000, 1,080 permanent positions, and 1,126 workyears.
Including adjustments for P.L. 100-504, Inspector General Act Amendments of 1988, this request represents a net Increase of \$13,430,000, and a decrease of -43 positions, and -33 vorkyears from the 1989 appropriation enseted.

the Department in the development of policy objectives and the menagement of the Department. In addition, selective administrative support to provided to the ideal divisions and other components within the Department. This appropriately apports to organizations resulting frapponiable for the administrative review and appeal of decisions relating to individuals, and the Administrative law Judge function resulting from the passess of the Immigration Reference and Control Ast. (The Executive Office for Immigration Review and the Office of the Pardon Attorney.) The mission of the General Administration appropriation is accomplished through the programs contained in two budget activities: Program Direction and Policy Coordination and Administrative Review and Appeals. The major initiatives and resource requests for these The primary mission of the General Administration appropriation is to support the Attorney General and the senior policy layel officisis of setlyitles and programs are summerised below.

Program Direction and Policy Coordination

this budget activity includes resources for the primary missions of the Offices supported by the following progrems: Department Leadership, Executive Support, Intelligence Policy and Professional Review, and the Justice Mengement Division. These programs consist of the folloving

The <u>Debricant insiderible</u> program consists of the Offices of the Attorney Concest, the Deputy Attorney Concest and the Associate Attorney Concest. These Offices are responsible for developing appropriate points points the administration of justice in the United States. Affectively representing the United States in justice-related matters and providing advice and opinions on legal matters to the President, ammbers of the Congress and hade of Executive departments and agencies.

The RESCULLY ENDRES program consists of the Offices of legal Policy, Public Affeirs, Legislative Affairs and Lision Services. The primary missions of this program are to study the Lisuus central to the Department's policy agends and to provide the thorough legal and policy analysis necessary to undergird new Department initiatives for legal reform in a vide variety of areas; to ensure that the Department Department personnel, the media and the public of Department activities empeditionly and accurately; to counsel the Attorney General and cocher Department officials in their dealings with the media and Constitute and fecilities the fito of information applicable to Federal, state, county and local governments, related interest groups, andered interest groups, and other private entities. A program reduction of a positions and \$170,000 is being requested in 1900 for the Offices of Public Affairs and Legislative Affairs operates most effectively with the Congress and the Office of Management and Budget to advance its legislative goals: to inform the

Professional Responsibility. This program is responsible for the coordination, development and implementation of Departmental policy on Intelligence and national security mitters. It is also exponsible for strengthening the integrity of and maintaining public confidence in the Department of Justice, and in finitering and further developing among all Department employees a commitment to professional The Intelligence Policy and Professional Review program consists of the Office of Intelligence Policy and Review and the Office of responsibility.

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the <u>Julice Manatorani Division (JMD)</u> is responsible for ensuring that the manatoment initiatives of the Persident, the Attorney General, and the Congress are Leplemented countain and that administrative support services are dilivered efficiently and effectively. Beneficially, JMD productions or constitution of the productions in the security. Also included in JMD is a pilot project to recain private securit in all least five and up to ten judicial district to collect data owned to the United States. Program increases of 19 positions and 40 million are requested for JMD. Of this increase of 19 positions and 40 million are requested for JMD. Pasticians and 40 million in the state of 19 positions and 40 million are requested for JMD. Best time and productivity savings accordance accidents of the positions and 40 million are accident of the Desirion and 40 million are requested for JMD.

Administrative Review and Appeals

This pregram includes the Office of the Pardon Attorney and the Essenties Office for all forms of Essenties climans, and across as attorney is the focus point for the receipt, investigation and consideration of patients forms of Essenties climans, and across as the principal listence with the general public in descency matters. The major staffs of the Essenties of Emajoration Series are: the Office of the Chief Emajoration Judge where temigration judge which their back appairs from certain desistence of the Immigration and Essential and the Office of Immigration Appeals which hereign and the Office of Immigration and Essential and the Office of Immigration and an immigration and centers for the Administrative Low Series of the positions and 41.041.000 to included to provide ADM with resources to address the employer associations and an immigration resources to address the employer association and immigration-resisted discrimination associated from the Empigration Refers and Control Act of 1986.

General Administration

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include changes in the appropriation language listed and expiained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration of the Department of Justice, (\$68,360,000. Provided, that balances praviously made evallable for Federal Justice Research may be used for other activities of this scoonsty.

(8 U.S.G. 1103(A): 28 U.S.G. 301, 503, 504, 307-528, 1929, Department of Justice Appropriation Act. 1989, edditional authorising desiriation to be proposed):

Explanation of changes

The Congress agreed to an Administration proposal to merge balances remaining in the Pederal Justice Research Program (\$137,000) into the financing available for other activities of this appropriation.

		1	1989 President's Budger, Regu	1989 President's Rudael Request	Congressional Appropriation Actions on 1989 Request	1848	1	Adjustment in Perm. Res. & Wa	# . #	Transfe between Account	Transfers betveen Accounts	Transfers between Accounts	Ropro- Acamelnas	, a		1989 Appropr	1989 Appropriation Enected	e di
44	herivier/Program	1	Ħ	Aneunt	787	컮	Ameunt	1	Ħ	ם	뉡	Smeant	크	컮	ABOUDL	15	Ħ	Aneval
15	1. Program Direction and Policy Coordination																	
1	s.Department Leadarship.		3		:	:			:	:	:		:	:	::	=	=	58 45,573
11 11 11 11 11 11 11 11 11 11 11 11 11	b. Executive Support	=	=	7,037	:	:	.377		:	:	:		:	:	:: ::	=	=	6,760
11 11 11 11 11 11 11 11 11 11 11 11 11	c.Intelligence Policy																	
11	and Prof. Review		=	2,029	:	:	3	:	:	2		:	:	:	:	7	2	2,438
## ## ### ## ## ## ## ## ## ## ## ## ##	d.Justice Management																	
	Division		3	7777	1	٦	100-1			₹	7	7	:	:	:	3	3	24.91
. Administrative Review and Appeals a. Administrative Review	Subtotal		:	63,315	-	-	.5,447		:	7	?	÷, 48	:	:	:		20	
	2. Administrative Review and Appeals a Administrative Review	•	:	;	;											:	:	
7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			1					1	1	1	1		1	1	ľ		1	

Adjustments in Personent Pericions and Workraggs. The absorption of pay increases and other costs will not allow support for all positions and workpear authorised in 1999. <u>Concretional Appropriation Antions</u>. The Congress failed to fund any of the requested progress indecesses. In addition, the base lavel was reduced to the appropriation level of 446,510,000.

<u>Establists, to and from other accounts.</u> The oresblithment of a separate Office of Inspector Canaral (010) requires the transfer of resources dedicated to the Audit function in the Justice Hanasement Division. The Act also requires the transfer of 20 investigator positions from the new 010 to the Office of Prefessional Responsibility.

A 120

Ceneral Administration Salaries and expenses Summer of Resulcements

delustments_to_base:												Ameunt
Department of Justice Appropriation Act, 1989 Adjustment to premnnnt positions and verkyears Transfers between accounts	9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9									<i>-</i>	•	66.38 38.43 58.43
Transfer to and from other accounts: Administration of 1999 Old transfer to Verking Capital Fund Transfers from Criminal Division. Kandatory Increases									**		77 71	22, 24,21 24,21 24,21
Estimates by budget assibility i. Progres direction and	4:4	1989 se Ensated Pers. 2881. VI Amount	Junamy Amenut		1919 JA19 Perm. Eds. KK	Аменай	12. 12.	1990 Estimata Porm. Post. VX Amount	Amenda	100 E	lnassass/Dogsesse. Posa. Cos. W. Amoun	Annual An
policy coordination: a. Deparemental Leaderhip b. Encutive Eupport	*:32	* * * * * *	85,573 6,760 2,428 40,642	* 2 3 3	2 2 2 3	58 86,266 78 7,538 42 3,554 435 42,070	2022	2 4 2 2	86.24 7,368 1,554 15,94	: * : *	: • : •	
2. Administrative Review 6 Appeals	79	77	11-11	77 77	3 7	1967 8 311.1	1	77	# T # T	77	79	44
EOT Employment: Pull-time permanent	1.060 36	delab.	1,060 36 1,125 11,060 36 1,125 110 36 1,125	1,013 39 1,032 1,013 39 1,032	4 :	1,052 30 1,052	1,013 39 1,032 1,023 1514 1514 1514 1514 1514 1514 1514 151	1,023 30	1.0	2 12	4	1 2 12

General Administrico Estature and Empures Einancial Analysia - Frostan Changes (Dollar in thousands)

		-					-		-		-
	# # # # # # # # # # # # # # # # # # #		Justice H	Justice Henegement Division	Decreases	E .	₹ <u>≨</u> ,	Administrative Review & Appeal Total		1	
4	New Year	- 1000	•	Amount	=	- Pag		Amount	-=		1
Grades		-	1	-			-		}-	1	1
08/0X-16	:	-	:	-	:	:	-	2019	-	•	107
04/0X-14-	:	-	-		:	:	-	=	-	•	
01/0H-13		-	_	188	;	:	:	:	-		
d8-12	.2 .70	-	•	173	:	:	-	101	-		103
68-11		-	-	-	:	:	:	:	-	**	:
J	:	-	:	-	•	.6110	:	:	-10		- 011-
T	444	+	+	82	-	-	1	22	+	-	7
Total positions and annual rate	011- 1-	-	=	111	97.	-110	:	121	=		1.193
Lapsa		+	-	111	1	1	1	47:	7		4
_		-		-			-		-		-
Total workydare 6 compensation	***	-	=	-	•	•	=	5	-	2	822
Personnel benefits	•••	-		•		?	_	•	-		132
Travel and Transportation of persons		-		101			_	*	-		137
Transportation of things f		-		~			_	2	-		-
Rental payments to 08A 1		_		-			_	\$	-		:
Communications, utilities, and miscellansous charges.		-		-			_	2	-		=
Printing and reproduction		-		2			_	•	-		=
Other services		-	<u>-</u>	1,230			-	=	-	-	1,335
Supplies and saterials		-		:			_	=	-		•
Equipment		+		=		İ		7	1		7
Tetal, workyears and obligations, 1990	-1.70	-	11 4,000	000	?	.132	=	1,064 1 10	Ξ.		1,762 1
		•		•							

Ceneral Administration Salaries and Expenses

Pelocity Rankings

Justice Management Division Administrative Review and Appeals Program

Department leadership Intelligence Policy and Praf. Review Justice Hanagement Division Encutive Support Administrative Review and Appeals

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TOTAL TABILLY CONTROL OF THE CONTROL

				1989				1990	
	-	_	, Adjustment	Adjustment ' Transfers	-	frans in '	-		
	11988	_	t in Perm	1 Between	_	ithe IPr	(Program ! P	Program	
Category	LAMEROLITE	Authorized (Authorized Pos	1 Pos.	1 Accts	Total	Estimates Uncreases ! Increases ! Total	1 : 4864932	10168151	Istal
	-	-	_			-	-		
	-			-	_	-	-		
Attorneys (2004)	1 255	1 255	:	_	1 255	- : -	:	:	569
Paralegale (940)	13	12	:		13	- :	•	:	12
Gen Admin (Clerical (300-399)	1 575	1 575	٠.	- 35	1 533	1 -59 1	-	7	ij
Information and Arts (1000-1099)	•	9	::	::	•	:	:	:	•
Business & Industry (1100-1199).	72	72	:	::	1 24	- ::	- :	:	7.
Criminal Investigating Services (1811)		: -	:	1 20	1 20	:	:	:	20
Secusity Specialist (080)	:	*	:	:		- :	:	- :	:
Personnel Management (200-299).	. 68	99	:	:	1 68	:	•	:	3
Accounting/Budget (500-599)	100	1 146	•			- 9	-	:	2
Library (1400-1499)	13	1 35	-12	:	1 23	:	-	-10	=
Equipment Facilities and	-	_	-	-	_	-	-	_	
Service Group (1600-1600)	:		:	:			:	:	-
Supply Group (2000-2099)	19	14	:	:	6:	:	- :	:	<u>•</u>
Motor Vehicle Operations (5703)	:	2	:		13		<u>-</u>	:	=
Miscellaneous Occupations (001-099)	1 29	1. 19			1 29	1	1		33
Total	11.216	1.216	112	39:1	17.123	1 -96 1	13.	4	11.080
	-	_	-	_					
•		;	;						7.5
			Ş	:			; :	:	3 3
		-	-	-	-		-		
free.	11,216	1 1 216		• 9	2171			:	11.080
							-		

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## + + + + + + + + + + + + + + + + + +	1 2 2	1,179	885,895
Adjustments to bese:			
Annualization of 1989 Old transfer	:	=	-1,799
Transfer to the Working Capital Fund and from Griminal	ş	÷	-3,349
Nandatory Increases:			
Annualization of 1987 IRCA supplemental	:	Ξ	1.962
1989 Full-year pay Increase lapact on 1990.	:	:	3,122
Observation wasters	:	:	237
Within grade increases	:	:	53
Meshan benefits	:	:	587
Federal Employees Compensation Act-Unemployment Compensation	:	:	÷
GSA rent	:	:	1,226
OSA recurring relaburable services.	:	:	•
Federal Telecommunications Service (FIS)	:	:	287
Telephone Service	:	:	139
GPO printing costs.	:	:	•
Employee data and payroll costs.	:	:	23
Distributed Adminstrative Support	:	:	3
General printing level adjustment.	:	:	1,987
Full-field investigations	:	:	181
Bulldings Meintenance.	:	:	921
National Security Eastgancy Preparedness.	:	:	• 11
Base Restoration for Private Counsel for Debt Collection	1	1	1.63
fotal, mandatory increases	:	ï	13,816
1900 bare.	1.059	1,116	94.563
Program changes:			
Executive Support.	7	7	.170
Justice Management Division	•	-	3,868
Executive Office for Imalgration Review.	의	7	1961
Total, program changes	7	0	4.762
000		:	

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ieneril Administration Silvies and Emerses Justification of Adjustments to Date (Dollars in thousands)

	Pern.	Vork-	Assunt
Transfere to and from other accounted			
1. <u>Office of the inprector General.</u> Annualization of the vorbysars and \$3.790.000 is provided to the Office of Inspector General (OEO) apprepriation. The transfer of secources is mandated by P.L. 100-304 to establish the soult and investigations function in the Department's OEO.	:	•	-82,798
1.0ffice of Professional Responsibility. Annualisation of 13 workyses and \$999,000 is provided to the Office of Professional Responsibility. This transfer of resources is aundated by P.L. 100-304, Inspector General Act Amendments of 1988.	:	2	
A net transfer of -65 positions, 64 vorbysers, and 53,429,000 from funds appropriated to the deserted Administration appropriation for financial services, 10 provided to all uners of the financial Operation. The amount transferred is based on settlested usage and vill cover the costs of services performed by the 705 function which include accounting, voucher processing, financial reports, etc., vill be teamfarred to the Working Capital Fund and empenses vill be charged back to each user organization.	?	4	- 3, 429
4 CECLEMBLE DIVISION TENDING. A tennifer of 1 position, 1 workyest and \$80,000 is provided for the Constal Administration appropriation. The Criminal Division is presently tasked with the Department's responsibilities for Marinal Security Emergency Progresseders (ASEP) planning exclusivities. The transfer in 1990 will ession that responsibility to the Justice Management Division.	-	-	\$
Total transfers	;	. #	.5,148

Handly Sey . increases			Form.	Work -	Amount
1.Annualization of 1987 IRCA supplemental	upplemental		:	ıı	\$1,962
This provides for full annualization of 170 solditional positions approved in the Supplemental Appropriation Act. 1987. These positions are associated with the Executive Office of Immissation Review to execute to the Immissation Review of Correct Act of 1986. Partial annualization occurred in 1986.	tipation of 179 additions or, 1987 There positions tion Review to respond to i	f 170 soldings for the approved in the liter positions are associated with the vio exposit of the lemagration Reform and attom received in 1988.		•	
	Approved 1987 Increases	Annual tastion Regulred			•
Annual salary rate of 179 approved positions Less lapse (2-12) Net compensation Associated explayes benefits Systems development and	\$3,865,000 	217,022 417,000 116,000			
non-personnel costs Total costs subject to annualization	8,622,000	903,000			
1. 1200 full-year par increase lapact on 1930. This request provides for the of 4.1 percent as contained in the Treasury, Pand General Covernment Conference Report on the 1989 appropriation, General LILLE VI. M.S. A. 1735 for exclusions and military personnel to be affective January for Department will be required to absorb the total pay raise in 1989. The increase of \$3,422,030 is the amount required for full year funding in 1990.	inpact on 1999. The of 4.1 percent as contained. Illian and milliary personnt ted to aborb the total phe ne amount required for full	2. 1989 Full-train par intrease impact on 1999. This request provides for the of 4.1 percent as contained in the Treasury, Postal Service and General Government Conference Report on the 1989 appropriation, General Provisions, title VI, Mr. 4735 for evivilian and milliary personnel to be effective January 1, 1989. The Department VIII be required to absorb the total pay raise in 1980. The requested increase of \$3,422,030 is the amount required for full year funding in 1980.	:	÷	3,422
D. Special Salatz Rases. This request provides increa Personnel Hanagement (OPH) h recruitment of qualified app coverage of 30 apecial sales	sees as authorized by law I has approved these rates fo elleants is a problem. The	1. Special Salate Rased. This request provides increases as authorized by law in 5 U.S.C. 5503. The Office of Personnel Hangement (OPH) has approved these rates for positions where retention and recruitment of qualified applicants is a provise. The Department's request represents coverage of 10 special rates.	:	;	62

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		Pera.	Vork -	
	-	Pos.	xzezz	Amor
÷	Withinglade Ingresses (VIG). This request provides for the expected increase in the costs of vithingrade increases. The increase is based on a dynamic model of actual Department requirements.	:	÷	\$ 61
÷		:	:	8
•	a total 1990 requirement of 538,000. • <u>referal Employer t Communition Act (TECA) - Unterlorment Communition</u> This increase reflects the billing paried provided by the Department of Labor for the actual costs in 1988 of employer's accident communition. The 1990 amount will be \$10,000 over the the 1999 base.	÷	:	2
÷	7. 956 Renk. Ost vill continue to charge rental rates that approximate those charged to commercial tenents dor equivalent space and related services. An uncontrollable increase of \$41.256,000 is required to meet our commitment to GSA. Of this amount, \$375,000 represents the dosts that vas not provided for by the Congress in 1989.	<u>:</u>	÷	1,22
÷	6. <u>CSA recurring relaburable services.</u> Relaburable payments are made to CSA for heating, ventilation and air conditioning provided in excess of normal vorking hours and for guard services. An estimated 1.1 percent of \$1,000 in fees for these services in 1990 over the 1989 charges of \$363,636 is required.	:	÷	
÷	In 1986, the General Services Administration surborines as 16 percent increases in Federal Telecommunications System (FTS) interactive course. This increase was mainly due to Telecommunicipated cariff increases. GSA cost estimates for 1990 have continued to climb bayond unnuticipated cariff increases. For 1990, this request, includes a verency percent increase in FTS costs. The actual increase over the 1999 base is requested, of which \$111,000 represents the amount not provided by the Congress in 1989.	:	<u>:</u>	8

2

The Department is replacing an obsolute, ineffective, and sepondive Contrax telephone system with a state-of-the-var, high parformance, and cout effective digital telephone system with a state-of-the-var, high parformance, and cout effective digital telephone system with a state-of-the-variable control of the control of 1. \$439,000.

\$ 439

Vork-

Pe 1

11. GPO DIDITION CONTROL OFFICE (GPO) is currently projecting a four percent increase over the 1989 printing costs of 81000. An additional \$6,000 vill be required in 1990 of which \$2,000 represents the assunt not allowed by the Congress in 1989.

12. Employee data and springle services are provided to all Depremental organizations of contractions employee data and purposed to these services, which include information systems, maintenance and payroll accounting, are based on the number of employee records maintened. The size of \$137.59 per record for \$190. The change is based to \$185.31 per record for \$190. The change is based on anticipated uncontrollable cost increases of \$ percent for the operation of the Justice Employee Data Service. An increase of \$23,000 vill be required in \$90 which includes \$7,000 associated with 1989 costs. 13. <u>Distributed Administrative Eupport.</u>
Under the Foreign Affairs Administrative Support agreement an annual charge is made by the Department of State (DOS) for administrative support items. The amount of this charge is determined by the DOS. The DOS advises that a 10-percent increase in foreign operation costs is anticipated and that services previously provided utflower cost will be billed for in 1990. The increase of \$93,000 is based on a base availability of \$85,000.

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		Pos	Years	AMOUNT
Thurst of the control	This request applies ONB pricing guidance as of June 23, 1998, to selected expense categories. The interested costs identified erault from applying a factor of 2.1 percent status those included for categories. The classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contrasts with the privace sector, transportation octs and utilities. Endued force the computation are extenses of expenses there indicates has already been built into the 1990 estables. 90 the	:	ŧ	\$1,987
13. Euli	\$1,987,000 settimate, \$1,021,000 is associated with costs not provided for in 1989. 19. Euli-field investigations. The Office of Personnel Management (OPH) has notified wests of an average 11.5 percent increase in the studied rate charged for various types of full-field investigations. An increase of \$431,000 this he required in 1990 of which \$41,000 represents the amount not made available by the Congress in 1989.	:	÷	191
An An Park	An additional \$821,000 is needed to maintain the current level of services for the Main Justice and BOLC buildings. The funding is required to cover the cost of services that will not be provided by the GSA.	÷	:	921
7. *# ***	17. Extional Security Entraney Propreduct, (USEP). The MSSP planning activities have been sasigned to the General Administration appropriation. An increase of \$319,000 vill be required in 1990 to carry out the Department's MSSP responsibilities.	÷	:	\$119
18. Begg Duri bale	18. Base Restoration for Exivere Counsel for Dabb Collection interest was funded in pret, from unabligated buring FY 1988, the Private Counsel for Dab Collection interest was funded in pret, from unabligated balances carried forward. This request restores base level funding for the program in 1990 that was not made available in 1989.	:	:	1,690
Total, A	Total, aundatory increases.		11	13.616
	to a series of the series of t	19:	.63	8.668

Salvers and expenses	ummary of Requirements by Grade and Object Class
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		Pos .		Pos. 6		Po1.		P01.	
1	Orades and salary ranges	VEEL	AMOUNT	NY E.	AMOURE	478.	Amount	Hre.	Amount
1	Executive Level I, \$99,500	-		-		-		:	
1	Executive Level II. 889,500	-		-		_			
1	Executive Level III. 882.500	-		-		-			
15 15 15 15 15 15 15 15	Executive Level IV. \$80.700.	~				•			
16	ES-6, \$80,700.	2		:		=		:	
16 16 16 16 16 17 1 1 1 1 1 1 1 1	£5-5, \$78,600	۰		•		•		:	
1		91		•		:		:	
1		•		-		•		:	
1	E5-2, \$71,800	•		•				:	
1 1 1 1 1 1 1 1 1 1	ES-1, \$68,700	^		•		^		:	
13	CS/CH-17, \$75,500	-		-		-		:	
199 189 189 191	CS/CM-16, \$67,038-75,500	•		•		15		•	
133 123 124 127 128	CS/CM+15, 857,158- 74,303	198		188		187		7	
120 119 121 2 2 2 2 2 2 2 2	GS/GM-14, \$48,592 - 63,172	13		125		124		7	
15 15 15 15 15 15 15 15	OS/CH-13, \$41,121 -53,460	120		119		121		7	
15 17 17 17 17 17 17 17	OS-12, \$34,580 - 44,957	89		\$\$		25		:	
1	08-11, \$28,852 - 37,510	ž		23		23		:	
110 99 10 10 10 10 10 10 10 10 10 10 10 10 10	GS-10, \$26,261 - 34,136	•		•		1		7	
10 10 10 10 10 10 10 10	65-9, \$23,846 - 31,001	:		*		12		1.	
110 99 18 -11	GS-8, \$21,590 - 28,070	3		2		3		٥٦.	
134 132 146 -4 63 54 55 54 55 55 55 55 55 55 55 55 55 55	08-7, 619,493 - 25,343	911		•		:		7	
1, 1, 1, 1, 1, 1, 1, 1,	05-6, \$17,542 - 22,807	134		152		345		7	
## 1	68-5, \$15,738 - 20,463	:		:		•		•	
1	GS-4, \$14,067 - 18,283	63		Ť		\$2		7	
1 21 22 23 24 24 24 24 24 24	GS-3, \$12,531 - 16,293	77		75		73		:	
### 1,216 \$46,599 1,123 \$43,663 1,080 \$46,484 -49 1,124 \$41,082 1,080 \$46,484 -49 1,124 \$41,082 1,080 1,080 \$46,484 -49 1,124 \$41,082 1,080 1,080 1,080 1,180 1,190 1,18	CS-2, \$11,484 - 14,456	-		•		-		:	
1,216 646,599 1,123 543,063 1,040 546,444 -43 1,040 546,444 -43 1,040 546,444 -44 1,040 546,444 -44 1,040 546,444 -44 1,040 546,444 -44 1,040 546,444 -44	Ungraded positions	2		7		7		****	
1				1,123	\$45,063 1	080	\$46,484	7	1,421
y scales for part of year. 164 - 6,182 - 54 - 2,035 - 57 - 2,118 - 1 222 - 222 - 223 1,022 - 0,345 1,069 42,504 1,021 44,336 16 1 1,022 - 0,345 1,069 42,504 1,021 44,336 14,36 14,366 14,366 14,366 14,366 14,366 14,366 14,366	Pay above stated annual rates	:	350	:	:	:	:	:	:
7 reales for part of year		-164	-6,182	•	-2,035	.5	-2,148	7	-113
1,032	Net savings due to lover pay scales for part of year		-333		- 326		1		324
62 1,634 61 1,747 57 1,748 -4 11,745 61 1,747 57 1,748 -4 1,012 61 1,747 57 1,748 -4 1,012 61 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012 1,012 73 918 1,012	Net, full-time permanent	.052		690.	42,504 1	,023	44,336		1,832
1,747 57 1,746 -4 1,1747	Other than permanent:								
	Part-time permanent	62	1.634	3	1,747	53	1.748	7	-
Alternt employment 25 '646 25 214 23 715 -2 2 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Temporary employment	52	7,9	7.	683	2	689	7	-
yments 23 1,244 23 1,012 23 988	•	\$2	899.	\$2	***	23	115	?	-
		53	1,244	23	1,012	2	988	:	-24
			19		10		19		

General Administration
Salatis and exensis
Summaty of Frantzents, by Gest and Object Class
(Dollars in thousands)

140	Oblect Class	Workyeers	Amount	Workyeers Amount	AMOUNT	Morkreste Amount Morkresta	AMRADE	Werkzeerz.	AMBUDE
1.1	Full-time permanent	1,052	\$40,545	1,069	\$42,504	1,023	\$44,336	9,	\$1,832
1.3	Other than full-time permanent	112	2.946	110	3,149	103	3,152	•	•
11.5		23	1,244	2	1.012	22	986	:	-24
==			13		19		119		111
	Total, workyears and personnel compensation	1,187	181,154	1,202	16,681	1,149	48,495	. 83	1,011
12.0	Pertonnel benefits		6.086		6.632		7.715		1.083
13.0			=		:				:
21.0	Travel and transportation of persons		1,572		2,037		2,213		:
22.0	Transportation of things		237		101		40		106
23.1	OSA rent		10,469		11,542		12,690		1,148
23.3	Communications, utilities, and other miscellaneous charges	_	3,597		3,472		4,442		970
24.0	Printing and reproduction		475		673		**		=
23.0	Other services		15,922		12,205		19,138		6,933
26.0	Supplies and materials		2,336		1,758		2,298		340
11.0	Squipment		6,850		818		33		413
42.0	Insurance claims and indemnities		7		9		٩		1
	Total obligations		92,626		86,052		99,325		13,273
	Unobligated balance awailable, start-of-year		-4,582		-157		:		137
	Unobligated balance available, end-of-year		133		:		:		:
	Unobligated balance lapsing		55		,,,				1
	Total requirementa		88,360		88,895		99,325		13,430
Refer	Relation of obligations to outlang:								
Total	Total obligations		95,626		86,052		99,325		
1140	Obligated balance, start-of-year		12,512		18,973		10,923		
91140	Obligated balance, end-of-year		-18,973		-10,923		-10,331		
Adjus	Adjustment in expired accounts		949-		,				
	Outlays		85,519		94,102		99,917		
Avera	Average ES salary	J	(573,312)		(\$75,042)	·	(\$75,042)		
Avera	Average GS/GH salary	_	(\$31,125)		(\$34,663)	•	\$39,384)		
Avera	Average GS/GM Grade		(35)		(11.71)		(12, 55)		

BEST COPY AVAILABLE

Central Administration
Salaties and Expenses
Consulting and Related Services
(Dollars in thousands)

	1988	1989 Estimata	1990 Estimete
Consulting Services	\$38 261	\$18	\$11
Special Studies and Analysis	299	788	12

Consulting and related services are used in the General Administration only for services which cannot be performed in-house. Service are required for interpreter, reporting, transcript, administrative and technical purposes. No increases are requested in 1990.

	:	Work-	
Adjustments to been	181	22622	4
1909 as enacted	\$	58 \$5,57	5
Transfer from the Financial Operations Service	:	:	
Mandatory increases:			
1989 Full-year pay increase lapact on 1990.	:	:	-
Within Grade Increases.	:	:	
Health benefits	:	:	
Federal Emplayees Compensation Act - Unemployment Compensation	:	:	
GSA zent	:	:	
Poderal Telecommunications System (PTS)	:	:	
Talephone Service	:	:	
GPO printing.	:	:	
General pricing level adjustment.	:	:	
Full-field investigations.	:	:	
Distributed Administrative Support	1	1	-1
Total mandatery Aneresses.	1	1	7
1990 bare.	36	×	6.26

	100	LDBCL	1988 Enected	188	Actu	1988 Actual 1989 as Enected 1990 Dage	195	4	peted	1990	=		1990	1	1990 Estimate Incresse/Da	Incre	4	-
	7			Pera.			Para.			Perm.						Perm.		
Estimates by program	1	Ħ	Lea. WY Amount	101	爿	ARCUD	7	벍	MOUDE	20	ᅿ	. Less MI descunt Pass MI descunt Pass. MI descunt Pass MI descunt Pass MI de	787	ᅿ	AMBUDE	1	벎	•
1. Program Direction and																		
Politica Copyalization																		

Esistes no expension Leadership Lustites no expension. General Administration Lustitestion for Prostern and Performance Activity Resource Summary (Dollars in thousands)

Activity: Program Direction	1989	As Ens	989 As Engelted	76.50	71	1990 Base Perm.	7 Pra	4	1990 Estimate Perm.	Incre.	771	Increase/Degresse Perm.
and Policy Coordination	702	걻	Pes. YY Ameunt	182	뉡	Per. MY Amount	18	걺	POEL WY ASSURE	181	Ħ	POS. WY AMBUNE
Department Leadership:												
Attorney General	20	7	\$2,563	50	=	20 21 \$2,894	9	12	\$2,894	:	:	:
Deputy Attorney General	77	23	1,856	*	2	25 2,071	2	2	2,071	:	:	:
Associate Attorney General	71	4	1134	7	7	121 1.191	7	7	יסניי	1	1	1
Total	36	5	5,573	36	2	6,266	98	8	6,266	:	:	:

LONE KERNE OGGS. To devote appropriate policies regarding the administration of justice in the United States; to represent the United States to represent the United States and to provide advice and opinions on legal matters to the President, and heads of Esecutive departments and associates.

Helps Objectives.

- . To formulate and implement mejor Departmental policies and programs.
- . To provide overall supervision and direction to the organizations! units of the Department of Justice.
- . To coordinate orininal justice matters with Pederal, state and local law enforcement and criminal justice agencies.
 - To maintain and supervise the Attorney Caneral's Honor Law Graduate and Attorney Employment programs.
- . To prepare and dissealance an Annual Report to the Congress and the public regarding the current atorus of efforts against organised oriest drug enforcement.
- To investigate, process and make recommendations to the President on all prospective candidates for judicial and Justice Department Presidential appointments.

<u>Base Froston Description</u>. The Attorney General is responsible primarily for developing and implementing the policy objectives of the objectives of the objectives of the construct organization and for oversoring the Opportunity operation of the control of the

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taformed of Dopartment satisfies by appearing before a vide range of eliteans' groups and professional associations. He also mosts regularly that President and manders of the Whites Buses established, and manders of the Congress on Dopartment policy and president and 1999, the budget for the Atternay Congress of 1990, the budget for the Atternay Constal Includes \$99,000 for the General Administration's contribution to the Dopartment of State for foreign operations administration upper costs.

In supporting the policies of the Attorney General, the Deputy Attorney General provides testimeny before Congressional committees an legiciation effecting the Department and ente as the Department and enter as the Department of the President. The defittion, the Deputy Attorney General conscisions the power and authority invested in the Attorney Constant, to the final enties may not a defitted, the Deputy Attorney General constants and general administration of parameter in the General Resources for Attorney Constant Constant Constant Attorney Constant Co

The Associate Attorney Conoral essists the Attorney General and the Deputy Attorney General in formulating and implementing Deportmental policies and programs pertaining to criminal mattors and provides everall guidance and direction to the Bureau of Prisons, the U.S. Marshale Berrice, and INTERPOL. The Associate Attorney General to also responsible for everseeing existed justice, pardon, parede and semmently relations issues. The President has mendated the Attorney General to report to the American people regarding the status of law enforcement efforts directed at organised orine. The anguel report will be propored by the Department of Justica stellising statistical data collected on Task Force cases.

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ddiurement to base:	Zea.	23422	AMBUDE
1989 as ensered	7	•	86,760
Transfer from the Pinancial Operations dervice	:	:	*
Mandatory Increases:			
1989 full-year pay increase tayant on 1990.	:	:	294
Within Orace Ingresses	:	:	=
Results benefitts	:	:	
Federal Espioyees Compensation Act - Unemployment Compensation	:	:	
CSA rent	:	:	60
Federal Telecommunications System (FTG)	:	:	2
Telephone Service.	:	:	32
Employee date and payrell services.	:	:	
Ceneral prieing level adjustment.	:	:	=
Full-fleid investigations.	1	1	7
Tetal mandatery increases	1	1	7
000	:		7.538

-4 -4170 1: 7 67 74 87,368 75 11 78 87,538 Porm.

Rea. H. Ameunk. Rea. H. Ameunk. 72 71, 97 87,387 21 78 86,760 a s Perm. Form. 75 Perm. Ferm. VI Amount 71 78 46,760 72 Reimbursable workyears
Total celling..... 1. Pregrad Direction and Policy Coordination: Exactive Support: fetioners by process

Sec.

Executive Support Salacies and expenses, General Administration Justification for Program and Performance ACCIVITY RESOURCE SUPPRETY (Dollars in thousands)

	1989	=	1989 se Enected	1920	4	1990 Base	1990	4113	1990 Estimate	Incr	07000	Incress/Decress	
	Perm.			Pera			Pera.			Perm			
Activity: Program Direction and Policy Coordination	P04.	되	Pos. MI Amount	1		VY Ameunt	183	ᅿ	Pos. MX Amount.	2	X 764	Assunt	-
•													
PRECENTA SUPPORT:													
Office of Legal Policy	31 34	ž	\$2,600	11	ž	\$2,954	=	*		:	:	:	
Office of Public Affairs	13 14	:	1,657	13	=	1,835	=	2	1,750	?	7	-885	
Ofc. of Legislative Affairs	20 23	2	1,842	50	23	2,044	91	21	1,959	~	?	÷	
Ofc. of Liaison Services	7	~	199	7	~	203	٦	٦	703	1	1	1	
Total		8,	6,760	:	=	7,538	6	:		7	7	-170	

loss Rans Cost. To initiate, develop and coordinate major policy initiatives of high priority to the Department and to the Administration in the areas of civil and criminal justices to ensure that the Organization operates most effectively with the Congress and the Office of Management and Budget to devance its legislative goals; to improve coordination with State and local governments and the business community on regulatory and legislative issues of importance to the Orpertment and to inform Department personnel, the media and the public of management activities expeditiously, and accurately coursel the Attorney General and other Department officials in their dealings with the media.

Malor Oblectives.

- To develop a more cobstent process for determining legislative policy.

 To coordinate joint Department efforts to secure enactment of legislation and other policy proposals of special interest to the Department and and he Administration on an adelected lature.

 To cultime effectively the appropriate Departmental personnel in developing and advocating legislative policy for Congress.

 To coordinate policy development and encourage consistent implementation of the Freedom of Information Act responsibility vithin the Escutive Branch, and so oversee and supervise the disposition of appeals to denials of Information Act responsibility vithin the the Freedom of Information and anise the Administrative Conference of the United Sister, and where appropriate, to represent the Department on the Administrative Conference of the United Sister, and where appropriate, to represent the Department of Popartment of the United Sister, and where appropriate, to represent the Department of the Administrative Conference of the United Sister, and where appropriate, to represent the Department of the Administrative Officials, and rank and file personnel of the Department regarding statements about the Department in the daily and personnel personnel of the Department in the daily and personnel personnel or the Department of the

To assist the Attorney General and other Department officials in responding to reporters and editors effectively through intervievs, nevs conferences and other forwar.

" Shaken

To promote staff support for the Attorney General on matters under consideration by the Cabinet and Mational Security Council.

To advise the Attorney Ceneral on requests (from U.S. Attorneys) to laster subposes to news reporters and news organizations and so council U.S. Attorneys on how and when to use subposes power.

To coordinate appropriate public policy announcements with the White Nouse and other federal Departments and Agencies.

To coordinate and Secilitate the flow of information relating to DOD policies applicable to Departmental intergovernmental relations.

To enordinate and Secilitate the flow of information between the Department of Justice and the following principal points of Italian.

- State governors, attorneys general, legislators, and law enforcement directors

- Local mayora, prosecutors, public safety directors, sheriffs, county commissioners and chiefs of police,

- Federal, State, and local judicial conferences and judicial administrative bodies;

. Foreign justice and police ministers and their departments: foreign judiciaries;

The American Bar Association, the Mational District Atterneys Association, the Federalist Sociaty, and other Federal, State, local, and foreign bar organizations:

- The International Association of Chiefs of Police and other societies of the law anforcement professions:

- Law schools and other academic institutions with substantive interests in justice fields.

ě To provide public affairs services, as appropriate, for domestic and international travel, public apparances, a Departmental oresonate for the Atterney General and other senior officials. To coordinate with Federal, fatte, and local officials on law enforcement and legal issues relating to progress, requistory, and implaintive reform.

BASE FICATOR DESCRIPTION. Executive Support consists of the Offices of Legal Policy, Public Affairs, Legislative Affairs, and Liaison Services.

The Office of Legal Folicy (OLD) serves as the central point for the Department-vide coordination and review of policy initiatives of special concern to the Attorney General and the Administration. OLP is responsible for supporting the Attorney General in his role as personnt chairment of the Pederal Legal Council, and for advising the Attorney General on the appointment of Federal Judges. OLP provides staff anappers for matter coming before the Cabinst and the Mational Security Council, represents the Department on inter-departmental committees and vorking groups; and gives policy advice on a vide variety of issues, for example, original meaning jurisprudence, and criminal Justice programs. The Office of Public Affairs (PAO) is the principal point of contact for the Department of Justice with the public and the news media. Its mission is teofold: (1) to inform the public about Department of Justice activities and developments, and (2) to provide similar information internally to Department presonnel. The staff coordinates the public affairs effort of all Department organizations and maintains close

January and the state of the st

Department of Justice through the new and a representative. The office of Public Affairs distrainates information about the Department of Justice through the new andta and by personal contact with the public. It serves reporters by responding to quarter, issuing present contact with the public. It serves reporters assistance to members of presents and statements, arranging interviews, and conducting conference and mail requests, receiving withing scope), and by reflectling spackers upon request. The office also requests and small requests, receiving withing scope), and by reflectling spackers upon request. The office also request. The office propers defined seasons on the propers defined to another of contact of contact of the Attentory General with the news adds. The office propers define attentions of newspaces and amazine all playings for phenomenal versions of the Attentory General, as well as the seasons of the Attentory General with the news adds. The office propers defined testions of newspaces and amazine all playings for phenomenal amazine all publication for release outside the Department velter all new releases for haddustrers, and edits those of the components averaging more than 600 per year. In addition, AO edits the Department's Organisation and Functions brookers.

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The Office of Legislative Affairs (OLA), is responsible for developing, and articulating and coordinating the Department's official policies vith analyses of the Executive Branch, or by mashers of Congress. In addition, the Office explains and advocates these policies with maximus affectivents within the Executive Branch and Congress. The Office must prepare ignizative reports on bills such year for submission to the Office of Management and Budget or to Congressional committees. Each submission requires that the relevant offices, baced, divisions or bureau be consulted, their views collated, and a synthesize report on Departmental policy with respect to that bill be prepared. It may also require amenings with the Office of Management and Budget or coordinating and maintening and material professions which will present a unfilted Administration position to Congress. Only is responsible for coordinating and maintening the foreign with require confirmation through the Smaate confirmation process. Only participates in a host of policy decisions within the Department of Congress. Thinking, the Office and Material process. Only participates in a host of policy decisions within the president for his signature or vero. These reports must generally be delivered within a 24 to 48 how time frees.

<u>The Office of Lisipp Services</u> is responsible for maintaining lisison and representing the Attorney Constal and the Department in dealings with foreign, Pederel, State and local governments, and with mongovernmental organisations interested in the justics field. At the same ties, the Office provides those governments and organisations with a central point of communication with the Department.

Prokram Changes;	7 ern	3 :	989 as Enected erm.	1920 Pers	4	1990 Base		4	1990 Estimate		. B.	7	nerease/Decrease
	102	Ħ	FOST WY AMOUNT	2	ᅿ	POS. MY AMOUNT	3	\$	Amount	-	1	Ħ	POST. W. ARCUDI.
Office of Public Affairs	=	:	\$1,657	11 61	:	81,835	=	11 12	\$1,750	•		ņ	-2 -2 -885
Office of Legislative Affairs.	걺	3	71817	2	2	2.044	의	7	1,259	••	~	7	3
Total	2	;	3,499	2	2	3,879	53	2	3,709	•			-170

The request includes a program reduction of 4 positions, 4 workyears, and \$170,000 for the Offices of Public Affairs (2 positions, 2 workyears and \$85,000). The decrease vill redure the offices' professional support staffs. The lower staffing lavel should support planned workload anticipated under the new administration.

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hielligence Folly, and Frelexisional Berger Schrifts and attention Summary of Registrating (Delive in thousands)

						3		5	(Vollats in thousands)	=					. 4	Pera.	Work-	
AGINTEREDE CO DECE															7	1		PRODU
Department of Juntice Appropriation Act	propriation	no Ac	::::	:	:		:	:			:		:	:		22	77	\$2,095
Weineler between accounts	unts	:		:	:	:	:	:	:	:	:		:	:		2	7	333
1989 se anacted.		:		:	:	:	:	:		:	:		:	:		7	2	2,428
Transfer from the Financial Operations Service	anctal Op	1111	ons Ser	100	:	:	:	:	:	:	:		:	:		:	:	•
Transfor frem 010		:	:	:	:	:	:	•	:	:			:	:		:	2	466
Mandatory Increases:																		
1989 Full-year pay Increase Report on 1990.	oresse im	100	on 1990	:	:		:	:		:	:			:		:	:	9
Within Grade indresses.		:		:	:	:	:	:	:	:	:		:	:		:	:	=
Resith benefits.		:		:	:	:	:	:		:	:		:	:		:	:	•
Pederal Reployees Compensation Act - Unemployment Compensation	pensation	Act	- Unemp	Oymen	. Ce	penest		:		:	:		:			:	:	-
GSA rent		:		:	:	:	:	:	:	:	:		:			:	:	2
Paderal Talecommunications System	tions fyst		``	:	:		:	:		:	:	• • • • • • • • • • • • • • • • • • • •	:	:		:	:	12
telegrene mervices.				:	:	:	:	:		:	:					:	:	-
General priesing level adjustment	ad justmer	:		:	:		:	:		:	:			:	•	1	1	٦
fotal mandatory increases	Incresses.	:	:	:	:	:	:	:	:	:	:		:	:		1	1	7
1990 base		:		:	:	•	:	:	:	:	:		:			7,	?	3,554
		200	1960 Enstred	3 :	ASEX	Perm.		∄.	1982 as Enacted, 1990 Base Perm.	2 2	200 P		2 :	1	1990 Estimate Increase/Degresses	PE E	2	816818
fetimates by program	199	Ħ	Poe. MX Amount	102	컮	ARREDE	3	3	America	2	ᆲ	MY ARRUAL POST, MY ARRUAL POST, MY ARRUAL	12	봌	HI SECURT POST HI AMOUNT	3	Ħ	Mount
1. Progrem Direction and Policy Coordination: Intel. Pol. & Pro- Review:	2	÷	22 22 \$1,973 22		2	\$2,039	2	2	\$2,428	3	7	24 \$2,039 12 27 \$2,428 12 42 \$3,534	5	;	42 42 63,554	:	÷	:

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Intelligence Police and Professional Review Saleries and expenses, General Administration Justilisation for Program and Perforance Activity Resource Summery (Dollers in thousands)

	1989 .	2	beted	1990 Perm.	=		1990 Est. Perm.	415	1980, as Enacted 1990 Base 1990 Estimeta Ingrasse/Decrease	Ingre.	0/01	366935
Activity: Program Direction and	Pot	걻	Amount	1	ᅿ	Amount	80	ᅿ	Post. MY Amount Post. MY Amount Post. MY Amount Rost. MY Amount	3	겈	Meunt
Policy Coordination												
Intelligence Policy & Professional												
Review:												
Intelligence Policy & Review	=	=	\$1,180	=	=	\$1,247	=	=	14 \$1,180 14 14 \$1,247 14 14 \$1,247	:	:	:
Professional Responsibility	87	コ	88 12 1.248	컮	2	2,307	2	2	28 28 2,307 28 28 2,307	1	1	
Total	7,	23	27 2,428	† 2	7	12 12 3,554 12 12	7	42	12 3,554 .	:	:	:

LOGA NAME COAD. To assist the Attorney General in strengthening the integrity of and maintaining public confidence in the Department of Justice, and in forcering and further developing among all Department amployees a committee to the highest professional standards. Also, to assist the deviolence of the first professional standards and maintain confidence in the lawfulness of United States intelligence activities, consistent with the need of the United States to Obtain, produce, and dissemints foreign intelligence information, and the need for the offective counterintelligence.

Melor Oblectives.

To provide legal advice concerning intelligence and national security matters to the Attorney General and to the executive branch of the government.

To participate in the development of legal aspects of national security and intelligence policy.

To prepare FB1 and other applications for intelligence searches and surveillance and approve other counterintelligence investigative activities.

To represent intelligence agencies as legal counsel before the United States Foreign Intelligence Surveillance Court.

To participate in pre-trial litigation involving the Foreign intelligence Survaillance Act in criminal prosecutions for explonage and invernational terrorian.

To monitor, as appropriate, intelligence and counterintelligence activities to ensure conformance with statutes, Executive Orders and other guidelines.

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To make an interior with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are septised to Departments views on mational secutity, and intelligence policy, and are appropriately informed regarding operational intelligence and counterintelligence activities.

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To improve and refine the Department-vide reporting system in which allegations of criminal or administrative misconduct against Department employees are reported, investigated and monitored.

To establish a comprehensive, efficient and effective internal inspection system throughout the Department by periodically evaluating organizations and progrems involved with employee integrity.

To conduct, oversee and coordinate all inversal investigations of sections allegations concerning the conduct of Department employees that be in violation of law, Department regulations or orders, or applicable standards of conduct.

To ensure the effective operation of a program which facilitates the reporting of allegations of fraud, mismanagement and vaste of funds.

DATE PROACES DESCRIPTION. The Office of intelligence Policy and Review (OIPR) participates directly in the interpretation and application of national intelligence law and national security policy as the Opportunent's representative to the Rational Security Council in confidence against constitution with senior said of the National Security Council in confidence and constitution that have not intelligence and national security questions. Paderal Duranu of investigation (PR) and other senet requests that the Atterny General approxe applications for electronic and compliance and councerinealigence activities are also reviewed by OIPR. Based on the findings of legal sufficiency and compliance with applicable guidelines and directives, recommendations are made to the Attorney General to approve or disapprove these requests.

Guided by the Office of Professional Responsibility (OPR), the Attenty General issues an annual statement to all employees of the Department resident than of their tesponsibility to report misconduct encountered in the course of their duties. Efforts are also taken to enture that all employees are remaided of the "Anticlabboar" protections contained in the Original Refers and Departments I residentians.

Anticlabely professional Responsibility attenties conduct investigation withouting attenties of aniconduct have been made. In addition, the Office's attenties are direct Office liston with internal inspection units in the personner of aniconduct have been made. In addition, the Office's attenties of investigation, concerning the conduct of Department of aniconduct program which facilities the reporting, investigation of the Pedracial Breast of Investigation, Imagerican and Maturalization of surveying and coordinating and exceeding the Armstration and Fraction of Armstration and Fraction and Fraction and Fraction of Armstration of Armstration and exceeding and constraining the high standards of professional conduct expected of Department employees. Also, the Office and attraction and exceeding defined covered annealing the high standards of professional conduct expected of Department employees. Also, the Office and attract and other matters in the Department in Table, 20 positions will be transferred to Off in Company of the Amendments of 1988.

Accomplishent. The principal accomplishments of the OIR in the policy area during the past year have included proposal to the Mational Security Council of a proposed Executive Order governing classance of government presonnel and contractor employees for access to classified information. Final negotiations on revised Mational Security Agency procedures were completed and the procedures approved by the Attorney

Control of the State of the Sta

General. In addition, the Office continues to work with law enjorcement and intelligence agencies to protect intelligence information in the content of estimate protection of narrottes. Also, the office perfect participated in refers to content of coveragent, or applicities to protect against foreign intelligence collection in the United States, international terrorism, illegal technology transfer and international narrottes activities. The office continues to represent the Department on the Senior International protections and content of the Councerine illigence and content and advice to an absence and transfer and advice to an application and declaratification and declaratification of decamants. It has taxed itself and policy advice to a number of department and agencies on national security topics both in broad-range and on specific instillagence operations.

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The principal accompliaments of OIPR in its operational responsibilities relate to administration of the Poreign Intelligence Surveillance Act (FISA) of 1978. Since the act was passed the office has bandled a significant workload with little incresse in staff. That is:

FISA Ordera	632	547	573	574	602
Celender Year	1984	1903	1986	1981	***

Moreover OIPR has been given responsibility by the Attorney Coheral to coordinate all littlation involving those aspects of extainal prosecutions in which the FISA is at latue. Since 1883, OIPR has propered motion papers and briefs in more than forty criminal species, all of Which has resulted in Everable decisions in upholding the constitutionality of FISA, its use in particular cases or the ecual conduct of the surrailisate.

Conceditant with electronic surrelliance authors, OIPA has handled a proportional increase in other operational intelligence activities which require staff and field review on behalf of the Attorney General. This includes counterintalligence investigations, undercover activities and other highly smiltive authors. Stallarly, a progrem has been instituted to achieve PPI implementation of Domestic Security investigations under guidelines promisated by former Attenty General William Prench Smith. On request of the PBI Director, review of the counterintelligence guidelines, involving significant revisions to undersory.

Goided by the Off, the Attorney General issues an entual statement to all employers of the Department reminding them of their responsibility to report alterenduct encountered in the course of their duties. Efforts are also taken to ensure that all employers are reminded of the "busile-blace" professional factorial forestions in the Cyril Service Metro Act and Departmental regulation. Individual Professional Reponsibility attorneys continue to conduct or wortset an increasing number of investigation involved that have been made. Note of these cases are highly resultive and now involved mittens infinitenes. For example, duting 1985 and 1984 a lates preparations of the confidence in the Office's attorneys went touch a gread just investigation of a major labor leader of the confidence in addition, the Office's attorneys were an interest Office listion with internal impaction units in the Department to oversee and condition, the Office's attorneys are an effect Office listion with internal impaction units in the Department to oversee and condition, in order apportunity investigation, and escolution of allegation of intend, minantament, and warre of linds

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Justice Management Division Salacies and ageorate, General Administration Summary of Resultments (Dollars in thousands)

Addustments, to, best:	101	24452	AMOUNT
Department of Justice Appropriation Act	290	•1•	\$43,440
Adjustment in personent positions and workyears.	-23	-23	:
Transfers between accounts.	뤼	7	2.19
Mens as spaced	111	244	10,642
Transfer to the Working Capital Fund and from Criminal	9	÷	-3,52/
Transfer to 016.	÷	*	-2,798
Mandatory increases:			
1989 Fall-year pay increase impact on 1990.	:	:	1.9
Special States	:	:	132
Within Grade increases.	:	:	11.
Realth benefits	:	:	328
Federal Employees Componention Act - Unemployment Componention	:	:	2
CSA rent	:	:	÷
CSA recuring Melaburable Services	:	:	
Federal Talecommunications System (FTS)	:	:	=
Helephose Service	:	:	323
GPO Printing	:	:	
Esployee date and payroll services	:	:	=
Pull-field investigations.	:	;	103
Ceneral pricing layel adjustment	:	:	•
Buildings Maintenance.	:	:	176
Hantobal Sactatory Pasterachese	:	:	:
Resteration of base for Private Counsel for Dabt Collection.	1	1	1
Total mandatery increases	1	1	77
	:		***

	100	Ensc	988 Enected	1986	ASTA	Perm	1989	En En	1989 as Enected 1990 Base	1880	=		1980	7113	1990 Estimate Increase/Decrease	Inse	97000	244232
Escimates by program	7	ᅿ	Zor MI Amount	25	Ħ	Pos. MY Amount	1	걺	Pos. WY AMOUNT	10	3	Pes. 'Il Angunt	2	뒭	POS. WY AMOUNT	193	Ħ	Pos. W. Amount
1. Program Direction and Policy Coordination Junice Annagement Directon 390 614 643,312 Reimburshle volypars Total calling	8	: 45	\$43,312	\$40	§ 73	350 609 516.186 437 514 510.612 413 415 512,070 427 116 515,938 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$	3 N S	\$40.642	3	: 7 :	842,070	***	\$ 7 5	\$45,938	• _	- 1-	89°, 20°

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Justice Management Division
Selaties and expenses, Gental Administration
Justification of Progress and Perforence
Activity Resource Summary
(Pollars in thousands)

i is 1269 sp. Caucited 1290 base 1290 Extletic Increase/Descesses
Pers. Pers.
Post. VI. Ameunt, Post. VI. Ameunt, Post. VI. Ameunt Post. VI. Ameunt

Activity: Program Direction and Policy Coordination

Justice Management Divison.

1 83,868

Long-Rank Coal. This decision unit is ultimately responsible for ensuring that the management initiatives of the President, the Attorney General and the Congress are laplemented soundly and responsibly and that administrative support survices are delivered efficiently and effectively. This decision outs also includes the Departemental Audit function, which allow the Attorney General to support the Administration's efforts mainst water froud and abuse, and the Debt Collection Management function (which coordinates the Debt Collection Private Counsel initiative mandated by the Debt Recavery Act of 1986).

He les Oblectives.

- . To ensure that Department management activities are provided central direction and control.
- To serve as the principle point of centeer, as appropriate, with various faderal agencies, including the Office of Management and Budget (OMB), the Office of Personnel Management (OMB), the Office (OMB), the Office of Personnel Management (OMB), the Office (OMB), and the authorisation and appropriation committees of Congress in conjunction with the Office of Legislative Affairs.
- . To provide legal support and legislative advice in administrative/management areas.
- . To provide for the security, safety and health of Departmental personnal, and safeguard property and informations ensure a high degree of responsiveness to the continuity of government during pascetime and vartime national emergencies.
- . To ensure that all Mational Security Information used by all Independent Counsel is prosected as mandated by Emecutive Order 12356 and the requistions for Bensitive Compartmented Information, to Include physical and presonntl security.
- . To provide Department-vide direction and staff leaderahly for the development and impirmentation of Equal Employment Opportunity (EEO) policy as will as improved mathods and procedures.
- To ensure the development of adequate policies and procedures on a Department-vide basis for all procurement matters, and to administer a highly visible and aggressive competition advocacy program which institutionalises the principle goals of the Competition in Contracting Acc and related statutes.

. To ensure that personnel menagement responsibilities throughout the Department are carried out in accordance with the applicable laws. Executive Orders, rules, regulations and policies.

Ξ

. To establish Departmental policy, standards, and directives covering motor vehicle management operations and employ state-of-art tachnologies and other management improvements to lover operating costs and improve control over the Department's employes transportation and parking allocation progress.

To devalop the Department's projected housing requirements for GSA and Department of Justice (DOJ) controlled space and related cost estimates, as required by GSA and OMB. To represent the Department in financial matters with the Department of Tressury, OMB, CAO, the Joint Financial Management Improvement Program, and other government agencies.

. To maintain and enhance the automated Financial Hanagement information System (FMIS) to facilitate budget formulation and execution, management control, and financial operations.

. To design, develop and implement standards and systems for measuring productivity in Department of Justice programs and operations.

. To maintain a Departmental loval, reaponable case management system to assist senior Department officials in the effective management of the Department's litigation responsibilities and to respond repidly to related inquiries from central oversight agencies and the

To implement and coordinate the previsions of the Debt Recovery Act of 1986 which requires the use of Private Counsel for Debt Collection.

. To maintain a central intake facility that centralises control of debts sent to the Department for litigation and provide the required audit and internal controls over the debt collection process.

List Frontin Distribution. The Assistant Attornay General for Administration provides direct supervision for unusually sensitive areas of management responsibility within the Justice Management Division (JMD). These areas provide light counsal, equal amployment opportunity, security programs of the Department, and a knowledge of the legal, resultance and politive transverse provide the information processing. In addition, each of the main organizational components of the Division is unpartised by a Deputy Assistant Asteriery Congrel. This structure facilities the administration of the Division by providing for accountability and delegation of responsibility.

information and Administrative Services activities, under the direction of a Deputy Assistant Attorney General, anutes that Departmental orders and directives which set forth policy and progress requirement and property management to seasonable duties performed with this area include professional systems and tender. Identification/validation of Department and communications requirement, and restore of Departments data processing Mudgines, identification/validation of Departments and remains and restorated naturing advances to all index and restorated a formation of A.A. and other requirements and restorated by DVM. GAS, and other requirements and restorated and Departments buildings and asset assignments, including property transfers, procedures any vary for accomplishing the tasks at thand.

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The Budget, Procurement, and Financial services activities, under the direction of a Deputy Assistant Attorney General, ensures that the Department's management and budget responsibilities are carried out through comprehensive analyses of organisation's program plans, budget establishes, appropriation and authoritants and that there activities ment Departmental, Presidential and Congressional policy initiatives. Financial and accounting systems are operated and continuously reviewed to ensure adherence to all appropriate statutury and administrative requisations. Procurement actions are processed ensuring adherence to all appropriate statutury and Paderal Procurement Policy, GSA and other regulatory appealed.

,) don' . , The activities managed by the Deputy Assistant Attorney General for Debt Collection Nanagement provide a method for controlling and improving the Litigation required to collect distingent debt weed to the United States. The Comparis anacted P.L. 99-278, the Pederal Debt Recovery Act unbriging the Attorney General contract with private consult, to sasist the U.S. Attorney in the collection of data owed to the United States, on a pilot project basis, in not less than five nor more than ten Judicial Districts.

The activities, under direct supervision of the AAO/A and his principal Deputy are as follows:

The Justice Management Division provides legal and legislative advice on all sdainistrative and management aatters and rovievs proposed responses to legislation, tules and regulation affecting the Department. The Division also develops, administers, and evaluates implementation of Department regulations and procedures for the process of requests under the FOIAIPA and the Ethics in Covernment Act.

The Department's security programs are accomplished by security specialists who determine priorities, theofremes, etc., for the completion of projects. Both conforms to everall politics and discrites and entering a faculty of defers, and other assets discritives and contacts are maintained with top level agency officials on problems of unutual completity or sensitivity. Mor appeared the Department on various increasory groups and task forces that develop national level security and emagency propreduces policies.

The EEO objectives are implemented through a natural of affirmative action managers, EEO counsiors, investigators, special emphasis program managers, volunteer representatives and EEO Officers who are sesigned full and part-time throughout the Department's procurement system in accordance with all applicable lave, regulations and Departmental orders.

The Office of Procurement Encoutive formulates, implements, and reviews Departments procurement policy and provides management oversight of the Department's procurement agetom, in accordance with all applicable laws, requistions and Departmental orders

The Management and Planning Staff develops Department-vide policies, plans and procedures for management and services and advances to the control independent independent independent independent (Before 188), exerting the president's Productivity factor for on Control (the Grace Commission), OHB Circular A-16 (Performance of Commercial Activities), and other initiatives or requirement related to management and productivity improvement.

The System Policy Staff formulates and promulgates Department-vide policies, standards and procedures for the management of automated

The System Policy Staff formulates and promulates Department-vide polities, standards and procedures for the management of automated information processing resources and for the directives system and review their implementation. Duties includes conducting long-range planning for departmental use of automated phase and experiment organizations to experiment organizations in describing their requirements for systems resources to support operating programs saint Opportment organizations in identifying the type of system resources but suited to the effective and efficient satisfaction of those requirements.

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. Provided extensive security services to the Independent Counsels in connection with the Mofalgar/Masse Investigation and the U.S. v. Michael Daaver Investigation.

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- Provided extensive logistical and security services to the Attorney General's Teak Force reviewing Department of Justice TransContra documents. The Attorney Ceneral's Office, and the other Senior Department officials were provided electronic documentation of the Congressional hearings regarding the TransContra investigations and confirmation hearings for appointments to the weested seats on the
- Successfully supported crisis management and situation monitoring functions during the Department's management of Cuban detainse uprisings at the Atlanta and Oakdale Federal penitentiaries.
- Planned, Implemented, and managed a contract guard force and an automated access cardiny system that provides 21-hour security to the Hain Justice Building.
- Safety and hasith inspection procedures have been devaloped and implemented at the Department's law enforcement components. A computer program has been devaloped to analyse the data of the Office of Workers' Companation Programs, as a first step in the devalopment of an Accident and Injury Management Information System.
- . Initiated devalopment of the attucture for the DOJ STU-III program and the transition from the STU-II to the STU-III, impluding faceimile equipment.
- . Prepared and submitted to OPM on approved Federal Equal Opportualty Recruitment Plan (FEOMP) for the recruitment of minorities for key occupations (accorage, correctional officers, Deputy U.S. Marshals, Immigration Impectors, and Border Patrol Agents) in accordance with Pederal regulations.
- . Coordinated the Department's responses to the OMB requirements associated with Reform 80 and the Frasidant's Management Sepreveent Program (IVP), including preparation for the FY 1989 OMB Management Review and development of the Department's FY 1989 Management and Productivity Japonemant Plan.
- . Raviawad, analyzed, and recommended actions to Department senior officials, OMS, and the Congress on 22 reorganizations within the Department of Justice.
- Provided oversight, guidance, and coordination for the implementation of the Department's <u>lintainal Control Process</u>, and coordinated the Attorney Constal's assurance to the President and the Congress that the Department fulfilled the requirements of the Pederal Hansper's Pleancial Integrity Act and OMB Circular A-123.
- Completed the Attorney General's Annual Report to the Congress of the United States as mandated by law.
- . The competitive procurement process has taken approximately one year, but contracts have been avarded to private counsels in the first five pilot districts of eastern Hichigan, sastern New York, southern Poass, southern Florida, and central California. Regulations, as

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required by the Federal Debt Recovery Act, were listed and the contract for the Gentral Intake Facility (CIF) has been avaided. In addition, the second five districts have been identified and the procurement process for obtaining private counsel contract assivtes in these districts is underway. The districts are eastern New Jersey, central Florida, central Georgia, vestern Louisians, and Mahhington, D.C.

- . Megatiated a Masorandum of Understanding with OSA regarding the Department's housing needs in the Vashington Natropolitan Area. The projects addressed occupancy in the International Cultural and Trade Center, relocation of the PBI's Washington Pield Office, renoration of the Todd Building, and moves of the Justice Data Center and BOP to suburban locations.
- Implemented the Missing Children Penalty Mail Program, under which il million photographs of missing children will appear on or in Department mail annually.
- . Installed and implemented a new automated procurement data system that has greatly facilitated the generation of contracts and purchase orders and has paralited a much vider array of procurement statistical reports.
- Developed an autemated tracking system for Freedom of Information Act (FOIA) requests which has resulted in better management of the numerous requests received in the staff and a significant reduction in pending FOIA actions.
- . Incressed awards in FT 1967 to small business wenders by more than 20% to a total of ever \$421 million. Increased awards to disadvantaged

business vendore by more than 23% to a total of over 844 million.	X to	1019	10,0 30	=	11 en .								
Preaces Chapage:	1	1 5000	1999 as Engised	1990 Bare	4	1	22.	a a	1920 Estimate	Ingra	9	Accesse/Degreess.	
	3	Ħ	Pes. W. Amount	3	컮	Los. MI decunt	3	뉰	Post, MY Amount	3	Ħ	Post MI Amount	
Justice Management Division 477 544 \$40,642 413 435 842,070	411	345	840,642	•13	435	842,070	422	55	422 436 845,938	•	-	9 1 63,668	

Resources totaling 13 positions, 7 workyears and \$3.5 million are requested for Debt Collection Management. The instease is requested to expand the Debt Collection Central Intake System to 24 additional altes, for a tetal of 30 locations. Of the requested instease, \$3,037,000 is for expansion of the Central Intake System and to cover projected Frivate Counsel expanses during 1990.

The increase of 13 positions is based on the projected increase associated with suparison. The initiative will enable the Department to buyin to centralise the debt collection process and eliminate the internal control weaknesses that have been reported in Sections II and IV of the Federal Manager Pinnetal Incepting Act (FWEIA). Currently the Opparament lacks control over the ascent and status of receivables in this state. In addition to eliminating the internal control weaknesses, the proposed estension of the Private Counsel initiative will anhance the debt collected addition to eliminating the internal control weaknesses, the proposed demand motives, all of the fillings required to collect debts by litigation, and checks to cover the contingent fees seried by private counsel where they collect federal debts. The requested increases will support the (ROP) inside Project and the (IRS) Offset Project. By 1990, the BOF inside Project will be failty resources are to handle 1990 collections.

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Additionally, als positions, four workyears and \$300,000 is requested in support of a white House initiative to atudy catestrophic and nuclear accidents. The study has been disected by Executive Order.

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This request sise includes a reduction of 10 positions, 10 workysars and \$132,000 for management and productivity improvements representing savings from the contracting out of activities.

Administrative Review and Appeals Selectes and expense. General Administration Summary of Regulterents (Dollers in theusands)

egy "Mary "

	e i	Work-	
Adjustments, to base:	202	X46E	Assun
 1960 as ansorted.		172	\$30,49
Transfer from the Pinanolal Operations Service.	:	:	•
Mandatory Increases:			
Annualisation of 1987 IRCA supplemental.	:	11	1,96
1989 Full-year pay increase Impact on 1990	:	:	8
Within Grade ingresses	:	:	=
Spacial Salary Rate	:	:	2
Resith benefits.	:	:	7
Pederal Employees Compensation Act - Unemployment Compensation	:	:	-
GBA Rank	:	:	2
Paderal Talecommunications System (PTB)	:	:	
GPO Peinting.	:	;	
Esployee data and payrall sarvices	:	:	
General prioring level adjustment	:	:	2
Pull-field investigations	1	1	1
Jotel Bendstory Increases		7	4.34
1990 base.		20.	15,13

	100	9	38 Engared	3 5	Age.	1988 Actual	7	1	SBS as Engited.	3:	34	1220 Base	3 :	111	1990 Retimets Increase/Diores.	Incre.	1	145 X P. B. B. B. B. B. B. B. B. B. B. B. B. B.
Estimates by Prostant 2. Administrative Review	101	ᅿ	AREMUT	12	Ά	POS. MY AMOUNT ROS. MY AMOUNT	188	벍	Ascunt	3	넒	PORT MY AROUNT PORT WI AROUNT PORT WY AROUNT	3	벍	Amount	3	ᅿ	Ameunt
and Appeals:	;	472	\$30,492	111	358	477 472 630,492 477 358 830,405 477 472 830,492 477 505 835,135 493 516 836,199 16 13 \$1,064	1,1	72	\$30,492		50	115,115	;	916	\$36,199	=	=	\$1,064

Administrative Review and Appells Selectes and expenses, Grafetal Administration Justilization for Texters and Perforance Activity Resource Summary (Dollars in thousands)

	1969	Sans.	1989 as Enacted	1990 Base		l	1990	Set In	1990 Estimate	Incre	9	Incresse/Decresse	
	Post WX	뉡	Amount	1	M M	Pos. WY Amount	100	Ħ	VI Amount	2	7 Teg	Amount	
Activity, Administrative Review and Appeals: Executive Office for Imagration Review. Pardon Attorney.	9 75	ัร ๆ ร	463 529,948	669	5 1 §	469 404 \$31,530 477 503 35,135	\$ \$	485 507 (11 51 155,550 151 151 151 151 151 151 151 151 151	: 1: : 1:	=	1,064	

LONE RADIC. Coals. To provide a uniform interpretation and application of immigration law, and to provide the President vith the necessary advice to enable the informed axercise of his pardoning authority.

Maler Objectives.

To expedite all immigration cases, for which EOIR is responsible, including those received pursuant to the provisions of the Immigration Reform and Control Act (IRCA) of 1986, while ensuring fair treatment for all parties involved.

To evaluate, manage and expedite the processing of the steadily increasing caseload receipts and reduce the existing backlos.

To expand the body of Immigration case law.

To establish and manago the Administrative Lav Judge program for the Department of Justice as required by the provisions of Sections 101 and 102 of the Immigration Reform and Control Act of 1986 (P.L. 99-603).

To increase productivity by atreamlining procedures and implementing management improvements.

To receive, process and investigate all Executive clemency applications.

To prepare the Associate Attorney General's recommendations of clemency to the President.

Base Frontian Description. The Executive Office for Immigration Review (EOIR) was created January 1, 1983, through an internal Department of Justice reorganization which combined the Immigration Judge function previously performed by the employees of the Immigration and Masuralization Service (1885 with the Board of Immigration Appeals (BIA). With passage of the Immigration Reform and Control Act (186A) of

1986, the Attorney General placed responsibility for the implementation of the Administrative Law Judge function within EOIR and, in March 1987, appointed a Chief Administrative Hearing Officer. As a result, EOIR is comprised of five major entities: the Board of Immigration Appeals, the Office of the Chief Immigration Judge, the Office of the Chief Administrative Hearing Officer, the Office of Hambsement and Administration, and the Office of the Disector.

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The following provides more detailed information on the responsibilities of these entities:

Moid of [maleration Abraid]. Under the direction of the Chairaku, the board hears appeals from decisions of Imaleration Judges and certain decisions of Subject in a wide variety of proceedings in which the Government of the builted States is one party and when the other party is attented to marcial the independent Judgess to a business firm. The Board is directed to marcial to independent Judgess to making appeals for the the attention or a state of the factors of the interpretation of the independent independent of the independent independent of the independent independent of the independent independent of the independent independent of the independent of the independent of the independent of the independent of the independent independent of the independent of t

Differ of the Chief imministion judge. Under the peneral direction of the Director of FOIR, it is the responsibility of the Chief immigration judges everall program direction, articulate policy and establish priorities for the Immigration judges leasted in 21 foot of direction and officers. Once judges leasted in 21 which we have been being a builded by the same into the program of direction the state of an alien. Exclusion Immigration and set being a being the same into the proceeding to be independent to the United States. The bed in sease where an alien, artural a maintain, or permit withdrawl of the application for admission. Deportation hearings are from resing from deportation and as voluntary departure, suspension of deportation, "resister, Adjustment of tractions are the alien deported waiver of deportation for a selection in the amount of the amount of the amount of the amount of the amount of the amount of the amount of the amount of the amount of the

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Chief Administrative Rearing Officer to provide overall program direction of the Director of EDIX, it is the responsibility of the Chief Administrative Rearing Officer to provide overall program direction, articulate policies and procedures, and stabilish priorities for the Administrative Rearing Officer to provide or the Administrative Law 19.6.0 3013 to adjudicate cases artsing under Sections 101 and 102 of the IRCA. Section 101 provides for assertions against explorate or entities who (1) history accounts to a separative and the IRCA unauthorized altern; (2) refuse to comply with the amployment verification of Yistory or as securing the amployment against against apployers or entitles who (1) history or an indemnity band to employers the procedure of the imposition of an indemnity band to employers the amployment practices. Section 102 provides for the imposition of panality, assimute the Administration of an indemnity band to employers against against an indemnity band to employers against against an indemnity practice. Section 102 provides for the imposition because of the indefinition because of the complaint will be filed by: (1) (101 cases)—the Immigration and Maruralization Services (2) (102 cases)—the Office of Special Counted for insulation Proceedings and unit rently appropriate cases and may, where

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varianted, avaid attorney's fees, back pay, and issue cease and desist orders. The authority of the Albs is set forth in Section 101 and 102 of IRCA. The Chief Administrative Hearing Offices vill conduct administrative review and take the final agency ection with respect to cases decided by Albs under Section 101 and vill certify Albs who hast Section 102 cases who have received the requisite training in employment discrimination matters.

Handegent, and Administration, Office of the Director and Office of Managens, and Administration). The faccutive office for Immigration Chair is needed by a Director who is craponable for the general supervision of the Board of Immigration Appeals, and the Office of the Chief Immigration Judge in the securities of the definition of the Administration for the Office of the Office of the Office of the Administration Ludges (ALL) function as a result of recent Laministion and operation of the Administration for the Administration for the Administration for the Administration and Administration and Administration and Administration and Administration and Administration and Administration and Administration and Administration and Administration and Administration and Administration accounts unspect to the Director and all operating components of Editors of procurement, facilities, personnel, pace amangement, budges, evaluation, uncomined systems and other administrative matters. The direction, apporting and final actions in these matters rests with the Director.

Office of the Pardon Attorney - The President exercises the pardon power, conferred on him by Article II, Section 2, Claus I of the Constitution, upon formal upplication and the recommendation of the Associate Attorney General, who has been delegated this function by the Attorney Constal. The Office of the Pardon Astorney (PA), switcher the Associate Attorney Constal. The Office of the Pardon Astorney (PA), switcher the Associate Astorney Constalled to the Constalled on the Constalled on the Constalled on the Constalled on the Constalled on the Constalled on the Constalled on the Constalled on the Constalled Office of Constalled Constalled Office of Constalled Co

There are two major forms of Executive classing. The parison after completion of antience and commutation of antience. Remission of fine and reprises are less common forms of classing. The parison commences with the submission of a forms principle interests the not three characters of factorial to the commence of the factorial of the commence of th

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Accomplishments and Workload:

cutive Office for Immieration Be-

Since the start of 1988, the Board of Immigration Appeals his published to precedent setting decisions deating with insues of first impression and exactlying unsettled areas of law. These decisions include significant interpretations of statutory provisions enacted in both the Receivable of the Immigration Reform and Control of 1986 (IRCA). In response to IRCA, the Board has instituted innovative precedures for extending cases which appear to be slightly fort lated of 1886. In response to IRCA, the Board has instituted innovative classed at thousand cases, with consurrence from all parties involved, from the appeals docket. Another innovation, instituted in 1989, involves the appointment of immigration judges, on a containing lastic, to set a Alternate Board Headers, thereby allowing the consideration of appeals. The Board is exponented has reported in the more efficient and effective use of EOIX presented in the advistment of appeals. The Board is exponented has exponented and accredited. In the accordance of appeals to individuals in their designs with 188 and 2008. As a result of IRCA, several two regarditions have appearance for an expectation have about admitted. Further, 111 representatives have been accredited. Increased productivity over 10,000 completions for recognition have been defined. Further, 111 representations the substantian of IRCA, and application for recognition have been decided to increased productivity over 10,000 during 1989 and 1980. Case receipted increases are based upon current tered, indicated indigeration judge productivity and IRB projected increases are based upon current tered, indicated indigeration judge productivity and IRB projected increases are based when accredited indications of IRCA.

With respect to 2018's immigration judge function, beginning in 1986 and continuing to the present, virtually all pending immigration judge course states are not seen that the course is a fore-ment where the intrinsic course is a fore-ment where the intrinsic course, the forest the intrinsic course, the fore-ment weresentant receipt of cause to their harding on the merits has been to a fore-ment intended to a fore-ment weresentant of cause that harding on the merits has been to be a fore-ment weresentant are performent. For the Office of the Chief Emperior of 1989. These caseload annual course is a result of first one that has been the ability of EON to cope with intended anticipated in 1989 and 1990 are a secult of 1884. Independent and enforcement of carear provision of intended of the accordant of the casel of 1984 and 1990 and 1990. With respect to original alien, mplayer annual and special agricultural verter provision. Immigration judge and enforcement of caseload for the accordant of 1984 and 1990. With respect to original alien, mplayer annual or 1984 and 1990. With respect to original alien, mplayer annual or 1984 and 1990. With respect to original alien, and original section 1995 and 1990. With respect to original alien, and original section 1995 and 1990. With respect to original aliens, original efforts. In order to ment their conclusion and operating requirements, which 1985 sections and operating requirements, which 1985 sections and operating requirements, which 1985 sections and operating requirements, which 1985 sections and operating requirements, which 1985 sections and operating requirements are according an angest of the original alien of the Office of the Offi

Negarding Administrative Law Judge caseled, information provided to the Office of the Chief Administrative Rearing Officer (OCANO), together vith current OCANO verticed transfer indicates that the IRS vill file approximately 1200 complaints in PY 1990. IMB has filed 213 complaints vith OCANO since its inception. That have been an additional 200 notices of intent to Pine issued by IRS where the employers have 30 days to request a hearing before EOR's All2 or agree to pay the film. At this time, 310 of the Notices of Intent to Pine have resulted in complaints being filed with OCANO. We have disposed of 36 of the 213 complaints filed by IRS. In June, 1988, IRS District Discrete vere authorised to file complaints discretely with OCANO. Prior to this all complaints were approved at IMS headquarters before being filed with

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OCANO. Because of this management change and increased efforcement efforts, INS has projected a significant increase in the number of complaints to be filled with OCANO.

With respect to Section 102 cases, OSC has projected the filing of 23 complaints in 1989 and 30 complaints in 1990. OSC filed ten complaints with OCAMO in 1988. Another seventeen 102 complaints have been filed by private parties. We project the number of private actions to increase to between 13 and 20 complaints filed in 1990.

In addition to compisions bring filed with OCANO, 100 matters have been rectived to date. These matters include: the issuing of investigatory subponents and, the adjudication of feweral court enforcement of investigatory subponents and, the adjudication of time action if itself in response to subponent. We are finding that due to the compisity of issues involved in each case, a similation amount of time is required to prepare for each bracing to, for sample, rule on actions and conduct pre-hearing conference. The duration of estual bearings to averaging the response for such investigation of the situation of the situation of the situation of the situation of the situation of the situation of the situation of the situation. Based on our excitated analysis, we are considering stabilishing field offices in Sambhym casilionally and other locations. We have opened an office in Sam Dieso, California, seffed with two personnelly satisfied.

BOIR continues to progress with the implementation of the Automated Mationvide System for immigration Roviev (ANSIM) begun in 1985. ARSIM meets all of the information needs of the organisation including case management, office automation and access to JUMIS, the legal research dates has a part limmigration judge field offices and the 18th Arve been natemated. Software development for GCANO vill also be completed by the med of 1980. The benefits of the ARSIM include quick access to a central repository of information; reduction of paperwork; automatic verification of case tracking information; and, access to JUMIS, on invaluable legal tool.

The following chart includes the combined workload of the BIA, Immigration Judges and Administrative Law Judges.

1989 1990 Estimate Estimate		137,123 162,760	136,475 164,300	29,537 27,997	nevly automated BIA tracking syst
1988 Actual	34,599	110,739	116,958	28,887*	implementation of i
deptals, motions, hearings	Pending, beginning of year	Received	Completions	Pending, and of year	opending figure adjusted because of implementation of newly automated bin tracking system.

Parden Atterner

	1968 Astual	1969 Excinaçe	1990 Estimate
Grants of pardon	7	\$\$	25
Grants of commutation	•	-	7
Denials 5 no actions	183	200	200
Corres. sent out	16,781	16,800	17,000
Cases pending year end	673	100	750

the Office of the Parden Attorney presence. At the ciose of 1984, there were 745 pertitions for various forms of Eccountry sand administrative support personnel. At the ciose of 1984, there were 745 pertitions would forms of Eccountry closency product.

Personnel 20 gents of 20 feats of considerations were received, making a tests of 1,135 pertitions available for consideration. In 1987, OTA processed 20 gents of processed 21 pertitions which site of Eccountry and Action 10 feats of personnels represented from a confideration. In 1984, DOA and an indicate our 16,223 leass of correspondence, reports and since our 16,223 leass of correspondence answered reaching the freedom of information and Privacy Act (701A). A significant amount of the correspondence answered reaching the processed of Compress. In 1984, 701A response areased 100 and the high volume of 10° the formation and Compressional Correspondence answered reaching a lateral respondence answered reaching the response areased to make a correspondence answered for an expense of Compression (120 pieces) was administration at the precedure intitleted by the Parden Attorney to precessed (100 and the high volume of 10° the analysis of the Parden case. As a result of an enhanced position according precedure intitleted by the Parden Attorney, in committees the 10°

	:										
Program Changes	Pern.	1999 Base Ferm.	4	-	7	fettas	290 Ketimete	Ingree.	ad/e	Incresse/Decresse	
Executive Office for Immigration . 469 463 \$29,948 Review	76 to 100	123	3 *	Post WY Amount.	1	3 g	POS. WY AMOUNTS 485 SO7 \$35,594	100	보유	200. MI AMOUNT 16 13 81,06*	

Increases of 16 positions, 13 workyears and 81.064.000 are requested for PY 1990 for the Office of the Chief Adelniatrative Mearing Officer. The increase includes six ALJs, three attornays three law clerks; and four support staff. Resource increases are necessary to continue the implementation of this new function, adjudicate current and projected matters and cases, and establish field offices.

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Due to the complexity of issues involved in the cases (including lat., tth. and 3th amendment questions) and extensive requests for discovery, almost the ALJs and abdulating the complexity conficient time is a party by the ALJs and abdulating the complexity conficient time is conficient to complexity.

Vickin 60 days from the date helber secures the record of proceeding of the hearing. With the complexity of issues, time spent on animals are appeared to record of proceeding of the hearing. With the complexity of issues, time spent on are and post therefore the record of proceeding of the hearing. With the complexity of issues, time spent on are and post the complexity of issues, the spent on are and post the action of the hearings per month. As in the section of the control of the distinct the section of the field offices to be located in Southern California, the Eastern United States and other locations.

The headquarrace staff of OCADO manages the central docket/case management tracking system; makes ALJ sestgements; locates court rooms nationwide; scheduler all hearings; and conducts the reviews of ALJ desistons and orders; the OCADO headquarrace staff to under a structurily mandated timeframe to require statement and orders; the OCADO headquarrace staff to under a structurily mandated timeframe for review of feetien 101 desistons and orders. The ALJ's destinant ond order in a section 101 case becomes the ALJ destinant on order. The Charlet Administrative Hearing Officer modifies or vectors the decision and order as the ocado order of the OCABO staff that must decision and state assists of the issues the ALJs must foss lapaces on their vocables, the same is true of the OCABO staff that must conduct their

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Department, of Justica Office of Inspector Congrad Estimates for Piecel Yes, 1990 Table of Contents

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Summary Statement
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Summary of Changes

Office of Inspector General Salaries and Expenses Summary Statement

Piscel Year 1990

The Office of Inspector General (OIG) appropriation is requesting, for 1990, a total of \$19,433,000, 290 parament positions, and 289 vorkyeard. This request represents an increase of \$10,384,000, 14 positions, and 144 vorkyeard above resources provided in the 1989 appropriation as entered. The Office of Inspector General for the Department of Justice was created by the Inspector General Act Amendents of 1986 (E. 100-204), adding the Department of Justice to the list of Pedral agencies required by the Inspector General Act of 1988 to establish exertory Inspectors General. The OIG will be established in the Department within 180 days after encatement as required by the statute. The Amendments also require a separate appropriation for each statutory IG.

During 1989, resources for this new appropriation vill be transferred from within the Department in accordance with language contained in the 1988 Amendments. A program increase of 14 positions, 9 vorbyears, and \$332,000 is requested to fund the senior management and administrative sociative tee OIC, which were not provided for in the transfer language.

The primary mission of the Office of Inspector General is (1) to conduct and supervise audits and investigations relating to programs and opserations of the Department of Justice, (2) to provide a measonamy officials. For settleties designed to promote accommy, efficiancy, and effectiveness in the administration of and to provint and description about the Department of Justice, and (3) to provide a means for keeping the Attorney General and the Congress fully informed about problems and deficiancies relating to the administration of such programs and operations and the necessity for and progress of corrective action. The OIG's mission will be accomplished through Executive Direction and Administration, Audits, and Investigations activities. Executive Direction and Administration will provide overall leadership, management, and administrative support to the Office of Impactor General. The Audits activity will formulate Department-wide audit political, and procedures and develop, direct, conduct, and supervise the Audendant and comprehensive internal audits of Department programs. The Investigations activity will oversee, coordinate, and conduct investigations of alligations concerning conduct that may constitute mismangement, gross vests of funds, abuse of authority or a substantial and appecific denger to public health and safety. It may also conduct investigations of allegations of authority are applicanted. other than attorney, criminal investigative, or law enforcement positions:

Office of Inerciae Conseal Estatist and Excents. Institication of Peoples Changes in Appropriation Language

The 1990 budget estimates include new appropriation language listed and explained below.

Salaries and expenses

for excellence expenses for the Office of investor Consess. In excessing out the provisions of the Investor Consess, day of 1878s, as enembed \$19,433,430.

Explanation

This language provides for the establishment of a separate appropriation for the Office of Inspector General as required by the Inspector General Act Amendments of 1988.

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Office of the Inspector Ceneral Salaries and expenses Summary of Requirements (Dollers in thousands)

1 .

						-	Par	YOUR	Amount
Department of Justics Appropriations Act, 1989.	ppropriations	Act, 1985				 :	į	፥	:
Transfers between accounts 2	ounts					 : : :	5 7	3	8078
1989 budget suthority.						 : : :	276	145	9,049
Mandatory increases.			••••••			 :		130	10,831
Destables				:		 : : :	I	7	285
					 	 ::::	276	280	18,901

	1989	1 TE	1989 as Transfer. 1990 Base	1	100		188	S Eat	1990 Estimate Inorgans/Deorgans	Lasks	\$0/sa	DES SES
Ratimetes by budget settivity	Pers.	Ħ	Perm. Ros. NX Amount	6 5	Ħ	Porm. Por. W Amount	Perm.	걲	Perm. HX Amount Res. MX	Pere.	겈	Ameunt
Audits and Investigations	276	345	276 145 \$9,049	276 280 \$18,901	280	\$18,901	290	289	289 \$19,433 14		۰	\$532
Roimpurable Workyears Total Workyears		4 5		,	72			7 %			1.	
Overtime fort Compensable Workyears	•	73			1:			78			1.	

1 Since the Office of Inspector General was not created until October 1988, it was not included in the 1989 President's Budget Request and no Congressional appropriation action was taken.

2 the Impector General Act Amendments of 1988 identified departmental organisations that would provide resources to be transferred to the mavir established Office of Impector General. They are the Justice Management Division, the Immigration and Maturalisation Service, the U.S. Marabals Service, the Bureau of Prisons, and the Drug Enforcement Administration.

MATER OF INDECOL CHREAL JUSTIFICATION of PROMISE ACTIVITY Recures Summary (Dollars in thousands)

1. 2. .

· 如何是一年就要打成了一個一個個人的學院的人的打了

	1989	Trensf	1	188	Base		199	Estims	1988 Transfer 1890 Estimate Increase/Decrease	Incress	1000T	***
	Perm.			Perm.			Pera.			Perm.		
Estimetes by budget activity	Post	沟	Pos., MX Assunt Pos., MX Securt Pos., MY Assunt	Pot	걲	Amount	Pos	¥	Ameunt	Poe. WX Amount	ᅿ	AMENDS
Audits and Investigations	276	145	\$9,049	276	380	118,901	290	289	276 145 \$9,049 276 280 \$18,901 290 289 \$19,433 14 9	:		\$532
LEGAR REALES GOAL Develop, maintain, and provide effective and efficient departmental audit and investigative functions to support the Administration's efforts against vaste, fraud, and abuse.	de effect	¥ }:	• fflci•	nt depart	Bent a	* andit	teau pu	: Iget ive	functions	to suppor	t th	

Major Obiscilyses. To maintain financial accuracy through balanced audit coverage of departmental functions, programs, organizations and activities, including offective performance of ADP audits.

To monitor and avaluate programs through inspections for mission accomplishment and operational performance.

Mass. Croxism Description. This progres can be described through three activities: executive direction and administration, audits, and investigations.

Bascutive direction and administration provides overall leaderably, management direction, and administrative support.

The audits function provides (1) internal audits to review and evaluate agency operations and external audits of third party records and performance provided under agreements entered into by Justice organizations (2) contract audits to provide professional advice to agency contracting officials on accounting, and financial matters relative to contract administrations and (3) inspections services to provide detailed technical evaluations of agency operations.

The investigations function provides for the detection and investigation of improper and illegal activities involving programs, personnel, and operations.

Assomblishments and Workload: The Office of Impactor Ceneral was created Octobe 18. 1988 by the Impactor General Act Amendments of 1988.
Although the Impactor General has not been nominated, the law requires that the operation be taplamented by mid-April 1989. Therefore, it has no historical data relating to it accomplishments and workload that can be provided at this time. Hower, in 1989, in addition to alshiftent organizational development and consolidation activities, it will continue to parform audits and investigations of departmental progress and organizations and to stress compliance with the standards extablished by the General Accounting Office for maintaining financial integrity within the Department of Justice.

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Program Changes:		1990 Base			990 Katin	1990 Estimate	1	Increase/Degreese	Greese	١	
Audits and Investigations	Perm.	X.R	Perm. Pos. W. Amount.	Perm. Pos. WY 14 9	*	Ameunt \$532	Pera.	Perm. HY 14 9		Ameunt \$532	
program increase of 14 positions and \$332,000 is requested to support the executive management and administration activities required for	000 1s re	quested to	* support	he execut	Ive manag	ement and	administ	ration act	ivitie	requir	og pe
he OIG. Although the Inspector General Act of 1978, as amended, provides for the appointment of an Inspector General and two Assistant	of 1978,	se seende	d, provid	s for the	appoint	ent of an	Inspecto	Coneral	and tw	o Assist	₽ u¢
nspectors General, and sets the Inspector General's salary lavel at Executive Level IV, no resources were provided to the Department for	eneral's	salary lev	of at Exec	utive Lev	el IV, no	resources	vere pr	ovided to	the De	partment	for
hese positions. In addition, resources for other senior management and administrative activities were not provided. The Inspector Gener	other ser	stor manag	ement and	administr	ative act	Ivities we	re not p	rovided.	the In	spector	Gener

12. ĕ A program increase of 14 possessions.

the Old. Although the Impector General Act of 1978, as mendow, processive level IV, no resources or the Old.

These positions. In addition, resources for other sector management and administrative activities were not provided. I these positions. In addition, resources for other sector management and administrative activities were not provided. I will require these resources to manage the initial organization activities as well as the ongoing functions of the Old.

Office of Interest General
Asistes and Exempts
Financial Analysis - Fraces Chances
(Dolless in thousands)

	Enectt.	Executive Direction and Administration		Total	
	Pot	Anoung		Amount	1
Grader.			-		
1X-1V	-	40,700	-	90,700	
1	•	412,200	•	412,200	
6M-15.	-	57,158	-	57,158	
6.89	-	71.538	-	71,538	
	1	58,479	, ,	\$6.479	
Total positions and annual rate	=	640.039	:	640.019	
Table	+	1817.181	4	187 787	ı
fotal workyears & personnel compensation.	•	437,288	•	437,288	
Personnel benefitte		94.712		94./12	
• -					1
Charges reducered, 1990	-	\$12,000	• 	\$32,000	
changes requested, 1990	-	\$12,000	_	•	9 532,000

	_	1	111	1. 1	1990	
	· -		* Transfers	_	-	
	1 1988	Authorized Accounts	Detveen Account	Program		=
	_	-	_	-	-	
Criminal Investigation (1811)	:	::	2	::	_	2
Cerreational Administration (006)	:	::	=	::	_	=
Other Mise Occupations (001-194)	:	:	•	:	_	•
Persennel Hensgement (200-299)	::	:	-	::	_	_
General Admin/Clerical (300-399)	:	:		:	-	117
Accounting 6 Budget (500-599)	:	:	<u>.</u>	:		=
fotal	:	:	3.8	**	<u> </u>	2
Weshington	: : 	::	22	.		2 5
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SARATE AND ERRESES

Perm. Work-

3	9,0,			9,36	121	==	151	151	3	2	1	10,031			10.001	\$12	
3	?			130	:	:	:	:	:	:	1	130	1	7	2	•	1 :
77	276			:	:	:	:	:	:	:	1	:		1	378	:	1 :
Transfers between accounts	1989 budger authoriter			Annusization of 1989 Transfers	Annualization of 1989 pay increase	Spetal Salery Retes.	Within grade increases.	Mealth benefits	Off Rent	Telephone service.	Rapioyes date and payroll services	Total, mandatery increases		Annualization of two Iranater to the Ceneral Adalmistration appropriation	0461	iogram Changas: Recutive Direction & Administration.	
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=	Ë	Adjustments to base:	Handstory Ingresses:	2	3	:	3	ä	=	•	÷	_	Decreases	•	:	Progress Changes:	
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<u>Pifica of Inspector General</u> <u>Estacias and Expenses</u> <u>Justification of Adjustments to Base</u> (Dollers in thousands)

Sec.

Vork-

	1777	Amend
Handarger Juggaageal		
1. Annualliation of 1969 Transfer	190	49,169
This provides for full ennualization of 274 positions transferred in 1889 by the Inspector Ceneral Act Amendments of 1988 to establish the audit and investigations function in the Office of Inspector Ceneral.	_	
2. Annualisation of 1969 pay instease	:	129
This request provides for the full-year pay increase of 4.1 percent as contained in the Freelury. Postel Service and General Government appropriations set, 1989, General Provisions, title VI, N.R. 4775, Ser evallian and military personnel to be effective Jonusy 1, 1989. The Department is required to absorb the total pay raise in 1989. The requested increase is the mount required for full-year funding in 1990.		
3. Special Salary Bates	÷	79.7
This request provides increases as authorized by law in 9 U.B.C. 3103. The Office of Personnel Management has approved these rates for positions where retention and recruitment of qualified applicants is a problem. The Department's request represents soveress of 30 special rates.		
4. Within grade instreasts.	į	191
This request prevides for the expected ingresse in the cost of within-grade increases. This increases. This increases is based on a dynamic model of actual Department requirements.		
5. Besith benefits.	÷	*

The Federal Employees Kealth Benefits Act (F.L. 91-214) provided that the Covernment's thate of health insurance would be 60 percent of the total rate commencing in 1973. Effective for the Circi pay period after January 1, 1988, the satual contribution to health insurance increased

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ABBUDA

: \$10,01\$: : 130 6. GSA Rent. OSA will continue to charge "ental rates that appraximate those charged to commercial tenunts for equivalent apace and related services. An uncontrollable increase is required to meet our commitment to GSA. The Department is replacing an obsolate, indiffective, and expansive desires telephone system in the Vashington area. Court, high-performance, and controffective digital telephone system in the Vashington area. Court, high-performance, and control area is a second telegraphy of the state of the court of the control of the interested since 1979. The outent system pervises, and this accounts the control over celecommunications costs. After five years, the Department will own this median telephone prices, and it will asguiffect to the first years, the Department's communications appointed and will provide the annagement tools media to deliainte and abundant to provide the annagement tools media to deliainte and abundant to be accounted to the first five years. Beyond five years, only maintenance costs will be required. It is actimated that the line charge will be increased from \$40.38 per line per menth to \$45.43 per menth in 1990. taining pederal Bureau of Investigation. Charges for these services, which include individual individual properties, anistenance of pyreal and accounting, are based on the number of employee records anistations. The arts of \$177.38 per record in 1988 will be raised to \$188.33 per record for 1990. The shange is based on anticipated uncontrollable cost increases of als percent for the operation of the Justice Employee Data Service. Centralised employee data and payroil services are provided to all departmental organisations 39 percent. In addition, OPH has indicated that it anticipates on increase of at loast is percent by 1990 due to preatum increases. The requested increase provides funds for actual increased deste from pay period 1 to pay period 2, projected for a full year plus the minimum 13 percent increase predicted by OPH. The setual average increase is 38 percent.

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HOEK- ZAGEA AMBUNIS

Office of Inductor General
Selectes and Seconds
Summer of Acousticeans by Gree and Object Class
(Dollars in thousands)

Macunt Mackress Assurt		1989 Betimete	3.0	1990 Estimate		Ingress/Degress	016910
Verkratz Amount Verkratz Amount Sockyratz		Positions 6		Positions 6		Positions 6	
1	Grade and salary ranges	Verkreare	Amount	Vorkveara	Amount	Workvears	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	EX-IV, \$80,700	:		-		-	
21 22 1 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	ES-4, \$76,400	-		-		· :	
22 22 1 38 38 38 38 31 31 31 31 31 31 31 31 31 31 31 31 31	ES-3, \$74,900	-		-			
21 22 23 11 22 24 24 24 24 24 24 24 24 24 24 24 24	ES-1, \$68,700	:		•		•	
25 26 24 26 24 27 24 28 24 29 2 2 24 20 2 2 2 21 2 2 2 2 22 2 2 23 2 2 24 25 2 2 2 27 41,379 290 812,685 14 27 46 4 98 2 28 4 104 2 28 4 104 2 29 6 2 20 46 4 98 2 20 47,442 142 20 47,453 146 (75,530) (70,438) (41,30) (42,53) (41,30) (42,53)	GM-15, 857,158-874,303	77		22		-	
24 24 24 24 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25	GH-14, \$48,592-\$63,172	38		*		' :	
21	OH/OS-13, \$41,121-\$53,460	:		:		:	
31 31 11 14 3 12 28 3 13 28 3 13 13 3 13 13 13 134 -5,324 -6 -243 128 142 5,324 -6 -243 128 142 5,324 -6 -243 128 14 14 1 29 2 2 46 4 98 2 1 14 1 29 2 5,935 24 104 2 14 5,970 293 12,673 146 (15,530) (10,430) (10,430) (10,430) (11,30) (11,30) (14,20) (10,21)	05-12, 834,580-844,957	3,		77			
1	08-11, \$29,852-\$37,510	33		23		:	
25 28 3 27 28 3 13 15 15 276 411,779 290 612,685 14 277 46 41,779 290 612,685 14 278 5,855 284 12,442 142 2 46 4 98 2 2 46 4 98 2 2 53 4 104 2 5,950 293 13,673 146 (75,650) (70,436) (11,30) (11,30) (42,68)	G8-9, \$23,646-\$31,001	=		=		•	
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	GS-8, \$21,590-\$28,070	-				:	
2 13 15 15 15 15 15 15 15 15 15 15 15 15 15	08-7, \$19,493-\$25,343	25		82		•	
15 15 15 15 276 411,379 290 612,665 14 -134 -5,524 -6 -243 126 142 5,655 264 12,442 142 2 46 4 98 2 1 1 14 1 29 2 53 4 104 2 2 53 4 104 2 (75,630) (70,436) (42,539) (41,303) (42,23)		~		~		:	
15	GS-5, \$15,738-\$20,463	:		13		:	
2 6 611,379 290 612,665 14 -134 -5,524 -6 -243 126 142 5,635 264 12,442 142 2 46 4 98 2 1 14 1 29 2 5 4 104 2 147 5,970 293 12,673 146 (13,530) (10,436) (41,30) (42,530)	08-4, \$14,067-\$18,288	13		13		:	
276 \$11,379 290 \$12,485 14 -5,524 -6 -243 128 -142 5,835 284 12,442 142 2 46 4 98 2 1 1 14 1 29 2 5,970 293 12,673 146 (41,53) (41,53) (42,23)	US-3, \$12,531-\$16,293	-		1			
142 5,524 -6 -243 128 142 5,655 264 12,442 142 2 46 4 98 2 1 1 14 1 29 2 5,55 4 104 2 147 5,970 293 12,673 146 (175,630) (10,436) (11,30) (11,30) (10,23)	fotal appropriated positions	276	\$11,379	290	\$12,685	*1	\$1,306
142 5,835 284 12,142 142 6,5 ant. 2 46 4 98 2 2 83 4 104 2 100 . 147 5,970 293 12,673 146 6,7 (13,39) (42,689) (10,31) (10,23)		-134	-5,524	•	-243	128	5,281
ent . 1 14 1 29 2 46 4 98 2 1 14 1 29 1 17 5,970 293 12,673 146 6,7 (73,630) (70,438) (41,13) (42,639)	Met, full-time permanent	142	5,655	781	12,442	142	6,587
ant 1 14 1 29 2 53 4 104 2 1 14 1 390 293 12,673 146 6,7 (75,630) (70,438) (41,303) (42,639) (10,23)	Other than permanent:			***************************************			
1 14 1 29 2 53 4 104 2 1on 147 5,970 293 12,673 146 6,7 (73,630) (70,438) (41,130) (42,639) (10,23)	Temporary amployment	~	,	•		~	\$2
(13, 3) 13 4 104 2 100 . 147 5,970 293 12,673 146 (12,530) (13,530) (10,23) (11,33) (13,23)	Other part-time & intermittent .	-	:	-	53	' :	51
2 104 2 117 5,970 293 12,673 146 (75,650) (70,438) (41,70) (42,639) (41,31) (40,23)	Other personnel compensation:						
(13,540) 293 12,673 146 (13,540) (70,438) (41,705) (42,619) (11,31) (10,23)	Overtime	7	33	4	104	2	64
(75,650) (41,303) (11,33)	fotal, wys & pers compensation .	14)	5,970	293	12,673	146	6.703
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(Dollers in thousands)

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12.0	Personnel benefits	:	1,329	÷	1,333	:	2,004
21.0	Travel and transportation of persons	:		:	939	:	152
22.0	Transportation of things	:	•	:	7	:	2
23.1	GSA rent	:	\$78	;	1,166	:	165
23.3	Communications, utilities, and miscellaneous						
	oharges	:	192	:	171	:	179
24.0	Printing and reproduction	:	22	:	;	:	2
33.0	Other services	:	348	:	100	:	336
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GENERAL ADMINISTRATION SUMMARY STATEMENT

Mr. Early. The committee is pleased to welcome again Assistant Attorney General for Administration, Harry H. Flickinger. Mr.

Flickinger, you may proceed with your statement.

Mr. FLICKINGER. First, I would like to note that Mr. David Milhollan has joined me. He is the Director of the Executive Office for Immigration Review. Also, if I may, I have a written statement I would like to submit for the record. Perhaps I can highlight it at this time.

Mr. EARLY. We will include your statement in the record in its entirety.

Mr. FLICKINGER. Thank you.

I appreciate the opportunity, Mr. Chairman, to appear before you to discuss the 1990 General Administration appropriation request. The request, as you have noted, includes a total of \$99,325,000 for 1,080 positions and 1,126 workyears in support of the Attorney General, of the senior policy level officials, and the principal management and administrative functions of the Department.

This budget represents a net increase of \$13,430,000, and a decrease of 43 positions from the 1989 enacted appropriation. The 1990 request reflects a number of base adjustments for transfers to

and from the General Administration appropriation.

There is a net reduction of \$1.8 million, which is being transferred to the Office of Inspector General. In addition, 65 positions and \$3.4 million will be transferred out of the Justice Management Division to provide user organizations funding to cover the cost of services provided by the Financial Operations Service.

With regard to executive support, the Administration has provided policy guidance that limits resources for legislative and public affairs activities within the Department. Consistent with this policy, the budget request contains a reduction of four positions and \$170,000 for the Offices of Public Affairs and Legislative Affairs. To facilitate this level of operation in 1990, a reduction-inforce was effected in 1989. The reduced staff level should be sufficient to support the activities planned under the current Adminis-

Over the past years, the Justice Management Division has been given the responsibility to implement two high-priority Administration initiatives. One is the Private Counsel for Debt Collection initiative, which was created by the Federal Debt Recovery Act of 1986. The program makes use of private lawyers to engage in litigating and collecting delinquent debts owed to the Federal Government. To date, contracts have been awarded to 20 private firms in the first five pilot judicial districts, and the procurement process for obtaining services in the second five districts is under way. Also, a Central Intake Facility for the processing of collections is in full operation. The 1990 request provides a program increase of 13 positions and \$3.5 million. These resources will be used to enhance the debt collection efforts in the U.S. Attorney's Offices by extending the Central Intake System to 24 locations; and to cover private counsel expenses during 1990.

The second initiative is the result of the Price Anderson Amendments Act of 1988. The legislation directed the establishment of a Presidential Commission on Catastrophic Nuclear Accidents that will conduct a study for fully compensating victims of these types of accidents. The budget request provides a program increase of six

positions and \$500,000 to support the Commission.

With regard to the Executive Office for Immigration Review, resources for requirements resulting from the implementation of the Immigration Reform and Control Act of 1986 are being requested. A program increase of \$1.1 million and 16 positions is proposed. The increase will fund six administrative law judges, three attorneys, three law clerks and four support personnel necessary to continue the implementation of the Chief Administrative Hearing Officer function.

The request will also support the adjudication of current and projected matters and cases, and the establishment of field offices.

[The statement of Harry H. Flickinger follows:]

DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION APPROPRIATION

STATEMENT OF THE
ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
HARRY H. FLICKINGER
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE THE
JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you to discuss the General Administration 1990 appropriation request. The request includes a total of \$99,325,000 for 1,080 positions and 1,126 workyears in support of the Attorney General, other senior policy level officials, and the principal management and administrative functions of the Department. This budget represents a net increase of \$13,430,000 and a decrease of 43 positions from the 1989 enacted appropriation.

The 1990 request reflects a number of base adjustments for transfers to and from the General Administration appropriation. Specifically, one position and \$80,000 will be transferred to the Justice Management Division from the Criminal Division for National Security Emergency Preparedness activities; a net reduction of \$1.8 million which is being transferred to the Office of the Inspector General to cover a portion of the first full-year costs of its operation; and 65 positions and \$3.4 million will be transferred out of the Justice Management Division to provide user organizations funding to cover the costs of services provided by the Financial Operations Service.

Executive Support

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Justice Management Division

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The second initiative is the result of the Price Anderson Amendments Act of 1988. That legislation directed the establishment of a Presidential Commission on Catastrophic Nuclear Accidents that will conduct a study for fully compensating victims of these types of accidents. The budget request provides a program increase of 6 positions and \$500,000 to support the commission.

The Justice Management Division also has included in its request a program savings of 10 positions and \$132,000. The decrease is possible because of management and productivity savings expected to be generated from contracts with the private sector.

Executive Office of Immigration Review

Resources for requirements resulting from the implementation of the Immigration Reform and Control Act of 1986 are being requested for the Executive Office for Immigration Review. A program increase of \$1.1 million and 16 positions is proposed. The increase will fund six administrative law judges, three attorneys, three law clerks and four support personnel necessary to continue the implementation of the Chief Administrative Hearing Officer function. The request will also support the adjudication of current and projected matters and cases, and the establishment of field offices.

Mr. Chairman, this is a brief summary of our request for the General Administration appropriation. I will be happy to answer any questions you or other members of the Subcommittee may have regarding this request.

Office of Inspector General Summary Statement

Mr. FLICKINGER. I would like to turn now to the Inspector General request. In support of the 1990 budget request for the Office of Inspector General, we are requesting a total of \$19,433,000 to support 290 positions. Of this amount, \$17.4 million will be provided by resources transferred from other Department organizations. Therefore, aside from mandatory increases for specific operating costs, the 1990 request represents a program increase of \$532,000.

This program increase will support a total of 14 positions, including the salary and benefits of the Inspector General, at Executive Level IV as defined in the Amendments, and of two Assistant Inspectors General, as specified in the Inspector General Act of 1978.

In addition, the program increase will provide for additional senior management and administrative positions to support the Inspector General in administering the day-to-day operations of the OIG. This increase is requested because no provision was made for funding these positions in the transfer language of the 1988 Amendments. As you are aware, the Inspector General Act Amendments of 1988 included several definitive requirements.

First, the Congress specifically identified the departmental organizations that would transfer positions and funding to provide a resources base for the new OIG. In 1989, when the OIG will be operational for approximately half the fiscal year, the Department will transfer about \$9 million to the OIG to support 276 positions. This transfer will be effective within the 180-day time frame as specified

by the Amendments.

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Also reflected in the budget is the transfer of 20 positions and associated funding to the Office of Professional Responsibility. As provided in the Amendments, this transfer will be accomplished in 1989; that is, "no later than 90 days after the appointment of the Inspector General." The President has not nominated an Inspector General; however, candidates are being actively considered.

I appreciate this opportunity to present this brief summary of the OIG request. I will be happy to entertain any questions at this

time.

[The prepared statement for Office of Inspector General follows:]

DEPARTMENT OF JUSTICE OFFICE OF INSPECTOR GENERAL

STATEMENT OF THE
ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
HARRY H. FLICKINGER
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE
THE JUDICIARY AND RELATED AGENCIES

I am pleased to have the opportunity to appear before you in support of the 1990 budget request for the Office of Inspector

Mr. Chairman and Nembers of the Subcommittee:

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Mr. EARLY. Let's start with debt collection. You request \$1,699,000 for the Private Counsel for Debt Collection for base restorations, and another \$3 million to expand this program by 24 additional sites. How many people are included in that \$1.6 million?

Mr. FLICKINGER. We currently have a staff of four people in the

basic management of the private counsel pilot project.
Mr. EARLY. Are they all lawyers?

Mr. FLICKINGER. No, sir. There is one lawyer, and the rest are

Mr. EARLY. Are there any funds for new personnel here?

Mr. Flickinger. Yes.

Mr. Early. How many? Mr. Flickinger. We estimate that staffing would get to 14.

Mr. Early. How many of them would be lawyers?

Mr. FLICKINGER. A very small percentage. They are not primarily lawyer positions.

Mr. EARLY. I don't want to assume counsel are necessary to col-

lect debt.

Mr. FLICKINGER. The project, as you know, is to manage the use of private counsel for the litigation and collection itself. So, while the office is headed by a lawyer, it is not necessary that there would be extensive use of lawyers at the staff level.

Mr. EARLY. The 24 additional sites, why do we need them? Mr. FLICKINGER. Basically what this represents is that we are fi-

Mr. Flickinger. Basically what this represents is that we are finally seeing this activity, debt collection, which has not been a priority activity for the Federal Government, as you know, to the point where we are going to apply technology to the problem.

With the Central Intake Facility, which we have in one office and will be expanding to 10 shortly, we will have an automated system for receiving debts, screening them for litigation potential, distributing them out among the private counsel and the U.S. Attorneys' Offices, and finally making those collections and depositing them into the Treasury. We are filling a gap.

We had a system which was functioning manually, and in fact not functioning at all.

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not functioning at all.

Mr. Early. I meant to question the Attorney General on that. I don't think we are doing anything if we don't automate. You were here this morning. I thought the statement was a standard statement. I don't think we are going to do much during the next four years except talk about the problems and continue not doing what we are not doing if we do not automate. I wanted to bring that up with him because the situation is not going to get any better.

Mr. FLICKINGER. I am encouraged to hear you say that, Mr. Chairman, because as of October, we have awarded the contract.

Mr. Early. To one company?

Mr. EARLY. To one company?

Mr. FLICKINGER. We have awarded one contract for our automated system and with 20 contracts to law firms who are functioning as private counsel for collecting debt. We will be working with them, as well as the pilot U.S. Attorneys Offices.

Mr. EARLY. It will be one system?

Mr. FLICKINGER. Yes, managed by the Department of Justice.

Mr. Early. What company will do it?
Mr. Flickinger. It is a small computer firm in Silver Spring,
Maryland, Data Transformation Corporation. It is an 8(a) corpora-

tion. We contracted with them through the Small Business Administration.

Mr. Early. Do they have the track record?

Mr. FLICKINGER. They have several contracts with Federal agencies and were highly recommended. It was a limited competition among firms as defined in Sec. 8(a) of the Small Business Act.

Mr. EARLY. I am not an advocate of that.

Mr. Ford. I am just telling you what the facts are, sir. You may recall the Congress gave us a three-year period for this private sector pilot program. To get the contracts awarded as soon as possible, we were advised that a limited competition among the 8(a) people would be the fastest way.

Mr. EARLY. It might cause you problems. They will say you avoided this or that, but that is probably the way to get it done. Tell me, do we have an amount that we expect each site to recov-

Mr. FLICKINGER. OMB is our best source. There is something like \$30 billion out there to be collected. Since 1982, we have collected something in the range of \$2.8 billion. Last year alone, we collected \$479 million.

Mr. Early. When you say you want 24 additional sites, and you are probably talking about 14 new people and you only have five, we will not have enough to man 24 sites. What are we doing? What do you mean by 24 different sites, renting a room?

Mr. FLICKINGER. Essentially installing and equipping them with

Mr. Early. Computers that you have now?

Mr. FLICKINGER. No, sir, those with the private counsel, the contractors. The 24 sites include the 10 already selected for the pilot project plus 14 new sites.
Mr. Early. So they are not 24 new sites?

Mr. Flickinger. No, sir.

Mr. EARLY. Do you have any total numbers, total figures for the

private counsel program?

Mr. FLICKINGER. It is a little early. It is only operational in one location, Detroit. The returns are scanty.

Mr. EARLY. When will they be completed and what will be the

number of sites, personnel and annual costs?
Mr. FLICKINGER. For 1990, we would hope to have the system installed in 24 locations, basically 24 U.S. Attorneys Offices. In the out-years, the notion is, which you will appreciate, to have the whole system, that is all 94 U.S. Attorneys Offices ultimately under this one automated system operated from a limited number of computerized centers. We will not have to have installation of duplicate computers in each of the 94 districts.

The notion is to have regional centers where we can get economies of scale and have the offices serviced. The ultimate is to have

them all covered by the same computerized system.

USE OF PRIVATE COLLECTORS

Mr. Early. Does any of the debt collecting go out to private collectors? Do we retain any of them?

Mr. Flickinger. We don't retain private collectors.

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Mr. FORD. Mr. Chairman, the General Services Administration has an overall government contract with what we call private debt collection agencies. That is the kind of organization I believe you referred to. It can do anything short of sue you, badger you, write letters, et cetera. Federal agencies are supposed to have sent their delinquent debts to the private debt collection agencies before they send them to us.

If you will, we are the collectors of last resort. The debtors only come to us when they have been so recalcitrant that there is noth-

ing left other than to sue them.

Mr. Early. It is a little different threat than saying A&B Debt Collection calling them. If they call and say it is the Attorney General's Office, that could be abused. I am not trying to find fault

with them in terms of abuse. I want to collect the money.

Mr. FORD. Generally, our debts have gone through private sector debt collection agencies before they come to us. As they come to us now in the private counsel program, they are going out not only to the U.S. Attorneys, but in effect, by hiring four private law firms in each district, we are multiplying from one to five the law firms who will be suing these debtors.

Mr. EARLY. For the record, can you provide us with how much

we end up with as opposed to how much this cost?
Mr. FLICKINGER. The private counsel get 15 to 30 percent, and we

try to collect these counsel fees front the debtors.

Mr. FORD. Debts are supposed to go to the collection agencies first. Only if they cannot collect the debts do they come to us for

litigation.

Mr. Early. They must be reluctant to turn over accounts to you. Do you take them? Do you give them a time limit, that A&B Collection Agency has had it for two years, and after two years, they have to turn it over to you? Otherwise, why would they give you back the account? Why should they give it to you if they are not

going to get anything out of it?

Mr. FORD. Keep in mind, it is the Government agencies that are owed money that are dealing with the private sector debt collection agencies. Some of the big Federal agencies—Education and the V.A.—say they collect about 80 percent of the delinquent debt. It is only the real hard core 20 percent that they cannot collect, short of litigation, that they send to us.

We are not involved until they send a debt to us for suit. We try to encourage the agencies to get the debt to us as soon as possible, because the general rule of thumb is that fresher debts are easier

to collect than stale debts.

The agencies all know there is a six-year statute of limitations. If they want the debtor sued, they must get it to us before the sixyear statute of limitations expires. We could sue after that, but we thought we should not sue, knowing the debtor has an absolute line of defense, the statute of limitations.

AMOUNT COLLECTED

Mr. EARLY. You said they have an 80 percent collection rate. We hear testimony at other subcommittees hear. Mr. Smith and I are on Labor HHS, and they say the default rate is way up there. It is not like they collect 80 percent and lose 20. If anything, it is 20 percent that is collected and 80 percent lost.

Does that \$30 billion you talked about, go into the general fund.

What was collected last year?

Mr. FLICKINGER. Last year, it approached \$500 million. It was \$479 million. Since we started keeping records in 1982, a total of \$2.8 billion has been collected. What is interesting about the statistics is that there is an increase in the amounts collected annually. Last year's, amount was the highest collected since we have been

keeping records.

Mr. EARLY. That is a small number when you talk about less than \$500 million out of \$30 billion. If you computerize it, then if

they get a letter from the Attorney General's Office-

Mr. FLICKINGER. From the first of this fiscal year through part of January, in excess of \$217 million has been collected. This is very positive. It may be attributed in part to our automation efforts. The word is getting out that we are getting very serious.

Mr. Early. The individual U.S. Attorneys, do they see this as

something that is demeaning.

Mr. FLICKINGER. Candidly, the U.S. Attorneys were reluctant debt collectors.

Mr. EARLY. I didn't think they liked it.

Mr. FLICKINGER. That is turning around. I think the automating is helping. I think they are witnessing some results that have gotten their attention. I think there is an attitudinal change.

Maybe Bob Ford can elaborate a little.

Mr. Ford. Yes, particularly in the smaller and mid-sized judicial districts of the U.S. Attorneys, I don't mean to cast aspersions on Rudy Guiliani, but it was hard to get him to pay attention to collecting a \$3,500 student loan when he was getting multi-millions from Drexel Burnham. You cannot criticize him for that. But in some of the mid-size and smaller ones, they were very proud and issued press releases showing they had collected more per year than was appropriated to fund their entire office.

Mr. EARLY. You could roll that over, say just supplant some current expenses. We understand the Department would try to collect debts for HUD and the Veterans' and Small Business Administrations. IRS has many recalcitrant debtors who owe the government

billions of dollars.

We understand you will not be referring these debts to private

counsel. Mr. FLICKINGER. That is by statute. We are dealing only with non-tax debts.

DEBTS OVER \$25,000

Mr. EARLY. I don't think they should be. IRS does a pretty good job. Is it true that you made a determination not to send civil debts over \$25,000 to private counsel for litigation, and, if so, why?

Mr. FLICKINGER. That was to overcome some initial skepticism on the part of U.S. Attorneys to maintain control over the process, but this has been changed.

Mr. EARLY. So they will make the effort for something over

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\$25,000?

Mr. FLICKINGER. They will.

Mr. EARLY. What do we do to encourage offices to do that? I

think it is terrible what we are not doing in government.

Mr. FLICKINGER. You put your finger on one answer. If we could provide the incentive to have the money returned to those offices, it would be surprising how quickly we can get involved.

Mr. Early. If we get it on computers, we could call the U.S. Attorney in Boston and say, you people have not collected a dime.

Mr. Flickinger. Exactly. You can track performance.

EXTENSION OF AUTHORITY

Mr. EARLY. What are your plans to extend the current Attorney General's authority to contract with private counsel since the cur-

rent authority expires September 1, 1990?

Mr. FLICKINGER. We hope to extend the authority for two years. Mr. EARLY. One of the things I liked about the Attorney General's statement was that he was going to revisit the authorization. With a change in chairmanship, we might be able to do that. I don't think the image of the Justice Department has been improved over the 14 years I have been on this committee, because we don't get an authorization and they have to come to the chairman and do the legislating on the appropriations bill.

I think it is just awful that we have that overtime, and that it is

not just general salary. The last three Attorneys General said they would do something about that, but they have so much else to occupy them, they never revisit that. Ms. Schroeder and Ms. Oakar want to do that. It is under the jurisdiction of the U.S. Attorneys.

Do we have any ideas to evaluate how it is working under this

new system?

Mr. Flickinger. I think we will. It is a little premature. Six to nine months from now, we should have a track record.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Mr. EARLY. We can evaluate it by how much money they got. If they got money, they did a good job, and if they did not, they did not do a good job.

You requested an increase of 16 work-years and \$1,064,000 for the Executive Office of Immigration Review. Why do you require

these additional work-years?

Mr. FLICKINGER. It is a continuation of the Immigration Control and Reform Act of 1986. Sections 101 and 102 required the appellate-level review of employer sanctions and immigration-related discrimination cases. That falls upon the Executive Office for Immigration Review to implement.

Mr. EARLY. They are not going to do anything. If we give you a few more people—with the situation Congressman Lehman was talking about this morning, the Haitians and Central Americans, you are not going to do much more with one or two people, are

you?

Mr. Milhollan. The increase we have requested pertains only to the Administrative Law Judge provisions. They are small in number. The fact is we have been getting by. No money has been appropriated for that function up to this point, although the Act was passed in 1986. We are looking for funds to support that function. We can do it with a certain number of ALJs and a certain number of support staff.

As we have an opportunity to examine the caseload and, if it

grows, we will have to do more.

Mr. EARLY. What are these new people going to do?
Mr. MILHOLLAN. They are adjudicating cases. We have been taking money from deportation and exclusion cases and using it to fund this function, because Congress has never provided anything for this function. We have been getting by as best we can.

Mr. EARLY. There has been no change. Have we just been paying

them out of a different account?

Mr. MILHOLLAN. There is going to be a change because of the reasons you just suggested. The Immigration and Naturalization Service devoted a great deal of resources to the sanctions area. The deportation cases received dropped. They are going up again now.

We can no longer divert these resources to take care of an ALJ

function that has never been funded.

IMMIGRATION CASELOAD

Mr. Early. It seems you are overestimating the number of appeals you are receiving. Last year at this time, you projected the receipt of 131,580 appeals, but you only received 110,739. Similarly, you projected 158,580 appeals for 1989, but you currently estimate only 187,125. Why are you experiencing fewer appeals than project-

Mr. MILHOLLAN. It is not appeals. It is cases instituted by INS. We do not initiate the cases; INS does. All we can do is be responsive to the number of cases that they initiate. Based on their enforcement practices, we estimated that we would have a certain number of cases filed from them in 1988 and 1989. But we did not get that number from them. Because of that, we have been able to fund this particular project. But now we are seeing that INS is filing more cases with us again. Our caseload in Immigration cases is on the rise.

Mr. Early. Are you confident with that number you are project-

ing for 1990?

Mr. MILHOLLAN. I am at this point, yes. We have seen it already in one of our functions at the Board of Immigration Appeals. I think we did reach 10,000 cases on the appellate level, and the number of cases we are receiving filed by INS has increased the past few months from 6,000 per month up to 9,000 or 10,000.

Mr. EARLY. When the appeals are heard, does that conclude the

case—are they over?

Mr. MILHOLLAN. We like to think so. We render decisions. As you can see from our figures that we have submitted, we have a certain number of cases received, we have a certain number of cases that

are completed, and we do complete them.

Mr. EARLY. This morning, the Attorney General said, on the program of reparations for Japanese-Americans, that we were going to provide \$20,000 per internee and that there were 60,000 internees. I think we are going to look at the supplemental request for \$20 million tomorrow. Who is kidding whom? \$20 million is not going

to take care of 1 or 2 percent.

Mr. MILHOLLAN, Sir, we have not received an increase in the past couple of years. We have not received an increase for this particular function. That is all we are looking for. I think if we get those positions and the \$1,064,000, we will do whatever we have to do to take care of the cases INS files with us. We have never received funds for the ALJ function.

Mr. EARLY. I don't mind giving you the funds if you get some-

thing for it.

Mr. Milhollan. As far as we are concerned, you are getting something for it. You are getting decisions rendered every day. Our stats show that.

Mr. Early. Then we don't know whether the decisions are being

implemented.

Mr. MILHOLLAN. No, sir, that is not our responsibility. That is INS's responsibility. As far as we know, they are doing it. I think INS would certainly tell you that they are executing our orders of deportation. We can see that by the number that go to court.

STUDY ON CATASTROPHIC NUCLEAR ACCIDENTS

Mr. Early. You request six temporary positions and \$500,000 to support a Congressionally-mandated study to fully compensate victims of a catastrophic nuclear accident. What do you expect to find

out from that study that you don't know?
Mr. FLICKINGER. That is a good question, Mr. Chairman. We have been asked, along with several other Departments, HHS, and FEMA, to support this effort. There is a potential benefit for the Department of Justice in this.

Mr. EARLY. What is it?

Mr. FLICKINGER. If you view it as a potential alternative to litigation, people who are victims of this type of thing, if they see them as being adequately compensated, it will have a positive effect on litigation avoidance. That is the most hopeful assessment.

Mr. EARLY. I can tell you that the Department of Energy has done that study. I can name three groups that have. We have not done one thing. In Massachusetts, we have the Pilgrim Nuclear Plant that has been shut down. Why should we give you \$500,000 to do another study? We have had numerous studies. I don't think that it would come back any differently.

You talk about GSA administrative support on a reimbursable basis. Why is the Justice Department support not performed on a

reimbursable basis?

Mr. FLICKINGER. There is no assurance that money would be available. If we are going to be called upon to provide support for that, we certainly would want appropriated funds.

OFFICE OF INSPECTOR GENERAL

Mr. EARLY. The Justice Department has enough that it is not doing. This morning, the Attorney General spoke about the vaccine compensation program, the funds to implement that. All we are doing is talking about that.

On October 5, 1988, Congress passed legislation establishing an Inspector General for the Department of Justice. Please explain the progress the Department has made to implement this legislation, including the status on appointing the Inspector General.

Mr. FLICKINGER. The Department is now actively considering candidates for that position. There has been no selection made, to my knowledge, and, as you know, no nomination has been sent to the Senate.

The Office, in any event, will become operational on or about April 16, as required by the legislation. The only question is whether you will have a permanent Inspector General in place at that point, or someone acting in that capacity.

Mr. EARLY. Who is acting IG now?
Mr. FLICKINGER. No one. We are still in the process of putting the administrative support structure together. We have identified the funds and personnel from the affected components that are merging to form this office. About 800 people are involved in the way of transfers to the office. We have all that ready to go.

We have space identified that would be suitable for the Inspector General's use. We are prepared to be operational on April 16.

TRANSFERS OF PERSONNEL TO OFFICE OF INSPECTOR GENERAL

Mr. EARLY. Have arrangements been made for the required transfer of personnel from various Departmental components into the IG Office?

Mr. FLICKINGER. We have identified the funds and people affected by the consolidation. Much of that is addressed by the law.

Mr. EARLY. For the record, please list those components and resources that will come under the Inspector General.

[The information follows:]

OFFICE OF INSPECTOR GENERAL, SALARIES AND EXPENSES

[Dollars in thousands]

Transfers	Permanent position	1989 amount	1990 amount
Into OIG:			
General Administration	88	\$2,798	\$5,596
United States Marshals Service	41	1,271	2,543
Drug Enforcement Administration	14	550	1,100
Immigration & Naturalization Service	135	4,177	8,354
Bureau of Prisons	18	586	1,172
Subtotal	296	9,382	18,765
From OlG after 90 days: Office of Professional Responsibility	-20	-333	1,332
Total transfers	276	9,049	17,433

FBI TRANSFER OF AUDIT AND INVESTIGATION COMPONENTS

Mr. Early. The Inspector General legislation does not transfer audit and internal investigation components of the FBI into the IG Office, but the conference report says it may effect such transfers.

What is the Attorney General's position with regard to these trans-

Mr. FLICKINGER. With respect to the FBI, that is discretionary on his part, and he has not made a decision. He has the option to make that decision later.

[THE FOLLOWING QUESTION WAS SUBMITTED TO BE ANSWERED FOR THE RECORD:]

Question Submitted by Congressman Early

GENERAL ADMINISTRATION

COMMISSION ON CATASTROPHIC NUCLEAR ACCIDENTS

Question. Since this is temporary support, can the Department absorb these costs instead of receiving additional funds?

Answer. No. The 1990 funding request reflects only the minimum base resources needed to maintain a sufficient level of operations for General Administration (GA), and does not allow flexibility to support other activities. The activities proposed for program increases were legislatively mandated.

Tuesday, February 28, 1989.

FEES AND EXPENSES OF WITNESSES

WITNESSES

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Early. We will hear now testimony concerning the Fees and Expenses of Witnesses appropriation, which requests \$56,784,000 in fiscal year 1990. We will insert in the record the fiscal year 1990 budget request for Fees and Expenses of Witnesses.

[The information follows:]

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(825)

Posts Runker

Paga and Expenses of Witnesses Estimates for Plasal Year 1990 Department of Justics

Table of Contents

Justification of Adjustments to Base..... Bummary Statement Grossvalk of 1989 Changes. Summary of Requirements.

Summary of Requirements by and Object Class.

2

Pass and Basenses of Mitnesses

SUSSECT SEALEMENT

Placel Year 1990

For 1990, the Department requests a tests of 836,781,000 to fund the Pees and Expenses of Witnesses appropriation. all of which will remain evallable until expended. This request includes a program increases of 83,000,000 for expert vitnesses and 81,346,000 for private counsel.

The Pass and Empanses of Witnesses appropriation contains four budget activities: Yeas and Empanses of Witnesses, Protection of Witnesses, the Victim Compensation Pund and Private Counsel. The Fees and Expenses of Virnesses activity provides for all fees and expenses associated with the provision of testimony on behalf of the Converment. Specifically, there are two types of virnesses that are compensated under this setivity. Face virnesses testify as to events or fees they have personal knowledge. These virnesses are paid a extructivilithed rate of 800 per day plus resonable amounts for travel and cortain either costs associated with their appearance. Expert virnesses provide technical or selentific testimony and are compensated based on sugetiminate with the government extronty the lare specially as the days. This activity pays the fees of physicians and psychiatrists who examine accused parsons upon order of the court to determine their mental competency.

The Protection of Mitnasor antivity provides for the security of Government vitnasoss or potential Government vitnasoss and their families when their testimony concerning expansed eriminal activity may jeopedize their personal security. This program provides for their; outsistence expanses, housing, medical and dental expanses, travel, documentation expanses, identity changes, one-time releasion, costs for obtaining employment, and other miscellancous expanses. Rates are authorized by the Assistant Attorney General for Administration.

The Victia Componentian Fund was established by the provisions contained under Section 1200 of the Comprohensive Grime Centrol Act (Title II of P.L. 78-173). The Fund is used by the Attentop Central to "pay restitution to, or in the case of death, componention for the death of any victim of a scime that causes or threatens death or serjous bodily injury and that is committed by any person during a period in which that person is provided protestion under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the vicile's estate. Mossover, the est authorises payment of an amount not to exceed \$13,000 to the state of any individual whose death was caused by a protected vicinal partor that management of this late.

The Private Counsel function is authorised under 28 C.P.R. 50.13 and 50.16, whereby, the Civil Division is authorised to retain private conset to represent government officers and employes tho are tood for actions taken while performing their official duties. Purthermore, payments for these services shall be made from Department of Justice appropriations.

Pees and Expenses of Witnesses

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Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in the appropriation language listed and expisined belaw. Hew language is underscored and deleted matter is enclosed in brackets.

Pees and Expenses of Witnesses

for expenses, mileage, companiation, and per diems of vitnesses,
for private counsel aspenses, and for per diems in lieu of subsistence,
as authorized by law including advances; 1822,000,001, to remain available until
expended, of which not to exceed (81,350,000) max he available for
planning, construction, renovation, maintenance, remodeling and
repair of buildings and the purchase of equipment incident brances
for protyced vitness and statements. Provided. That the Attorny General
any enter into relaburable appreament of Jutice to pry expenses
of private council relating the Organization of Jutice to pry expenses
of private council relating to defend government exployees aud for actions
while performing that official duties.

13 U.S.C. 20210). - 3337. - 3231. - 18 U.S.C. - 3423-59. - 3222. - 4203. - 4241. - 42421. 28 U.S.C. - 224. - 1783. - 1821. - 1813. - 1913. - 1922. - Department. of Justice Authoritation Act. - 1889. - edditional - authoritatus Legisletion, so be proposed.)

Explanation of Changes

No substantive changes proposed.

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Department of Justice

Free and Expenses of Witnesses

Grossvalk of 1989 Changes (In thousands of dollars)

	dselvley[Proxide	1989 President's Budget Begyest	Congressional Actions on 1989 Request	Redzore emblinae.	1989 Engeled
÷	1. Pess and Expenses of Witnesses \$35,923	\$35,923	÷	:	635,923
Ä	2. Protection of Witnesses \$15,056	\$13,056	:	:	15,036
ň	3. Victim Companiation Fund	969	;	:	986
•	4. Private Counsel	1	124	1	417
	Total	31,969	159	;	52,203

Constessions! Appropriation Action

Congress provided for the transfer of funding for private counsal espenses from the General Legal Activities appropriation to the Pees and Expanses of Vitnesses appropriation. Legal Activities

Pace and Expenses of Witnesses

Summary of Requirements (In thousands of dollars)

Adlustments, to base						Amount
Department of Justice Appropriation Act, 1989						\$52,203
Annacoty instants: General pricing level adjustment						7
						25,25
	***	1988	1989	1990	1990	Incresse
Zetimetes by budget activity	Enected	Astual	Enecked	Jus	Estimata.	Decress
1. Fees and Expenses of Witnesses	835.084	\$35,017	\$35,923	\$36.074	838,493	\$3,000
2. Protection of Vitnesses	11,356 1/	13,853	15,036	15,120	13,701	:
3. Victim Compensation Pund	878	:	966	986	390	÷
4. Private Counsel	1	1	634	179	2.999	1,366
Total	47,015 1/	49.670	52,203	32,418	56,784	4,366

1, A total of 86,000,000 was transferred from the protected vitners activity under authorities contained in Department of Justice Appropriations Act, 1988, to defray the cests associated with Independent Coursel activities and other expenses of the General Legal Activities appropriation.

Least Activities

Jake.

Fees and Expenses of Witnesses

Justification of Prokess and Performance

Activity Resource Summary (In thousands of dollars)

Increase/Degreess

1990 Becimete 839,074

Fees and Expenses of Michesses....

Malor Oblectives:

To provide adequate representation for the United States when legal proceedings require teatimeny of a scientific, technical or factual

To provide reseasable companistion for expert vitnesses at rates established by the Attornsy General or the Assistant Attornsy General for Administration, pursuant to 28 V.B.C. 534.

To provide adequate resources to compensate fact bitmesses who testify on behalf of the government for the expenses associated with the atindance at ingel proceedings. The court-attendance fee paid to fact vitnesses is set by law (20 U.S.C. 1821). As a result of Public Law 96-346 (September 10, 1980), the ambunts surbecised for travel, per diem and mileago are set by regulations governing official travel by feederal employees and promulgated by the Administrator of the General Services Administration.

To provide adequate resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to these viewesses who appear in criminal proceedings in federal court for the indigent defendants.

To provide for the fees and expenses of physicians or psychiatrists who perform court-ordered examinations to determine the mental compelency of an accused person, pursuant to 18 0.5.C. 6241 and 4242.

<u>NATO FERENCE (RESCRIPTION</u>: This program provides for payment of fees and expenses of expect witnesses who appear on behalf of the government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex littlestion by the

Opposition to void not be possible without qualified experts to testify and to reflute the non-legal particulars of individual tasts. The testimony of expert withnesses to standard to the successful cutoses of und literature. While a wide array of superiorised dissiplinas are annoyed in the Opportunity intigation, appets from extent of expert withnesses used by the Opportunent in 1987 were either physicians, psychiatrists, appraisers, dailthesses, or ecohomists. Also, the expert withnesses used by the Opportunent in 1987 were either physicians, apprintations and the U.S. Attorneys. Fact withnesses are needed in a wide range of sourt proceedings, as well as pre-trial conference. Pass and expenses posters to inderlined by the need to protect the rights of secured individuals. Outst often order the government to pay the costs of this posters is underlined by the need to endoused by physicians or prophistrates. These examinations are performed to a secured decision operations are performed to strong to decembe whether an accused person is mentally competent to stand trial and/or are serviced fine of the offernes.

<u>decombilinating.</u> Funding allocated for this scillity has been sufficient to bilov the Oppartment to handle the continuing growth in espect Vitness requirements. These resources have also provided adequate protection of the right of secused individuals through performance of mental competency examinisations: The following table illustrates the growth in requirements for these services:

7550	3,000	. 48,540	\$25,620,000	8	83,700
1982	3,000	091'88	623,380,000	120	83,350
8867	2,894	87,692	\$22,261,000	•11	486,860
7887	2.713	87,664	\$20,420,000	6	. 68,188
	Total expert vitnesses used	Average fee per expert vitness	fotal expert witness costs	Total number of psychiatric examinations	Average cost per psychiatric examination

Program Changes:

¥

The requested program increase will allow the Department to handle an expected increase in the number of expert witnesses as well as the increased cost of expert witness to superty witness to be used, the primary reason of or the increase in expert witness expenses it the high tests associated with repopulation to explose the projected number of witnesses to be used, the primary reason of or the increase in expert witness expert witnesses expenses in the project of the ties of presentation of expert witnesses are also demanding a higher rate of presentation compensation for the time they spend on the preparation and presentation of testimons.

An example of the rising costs of expert vitness services can be cited in the medical profession. In tecent years, the cost of medical

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services and the rate of compensation for physicians has continued to outpace the general rate of inflation. It should be noted that physicians has among the most sought-after export vitnesses.

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| 1200 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 | 1210 |

Helor Objectives

To server that testimony can be obtained from vitnesses that can be used to prosecute persons accused of organised orime or other serious oriminal sotiuty.

To protect vitnesses and their families when the testimony of the vitnesses may jeopardise their personal security.

To components witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Utnesses Secutity Reform Act of 1981.

To provids orientation, documentation and family-oriented services, sto., to new entrants into the Mitness Security progress.

Mass Proxism Pareribaion: The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order

210.2 "Witness Protection and Maintenance Policy and Procedures." This order piaces within the U.S. Marchis Service the responsibility for
the security of these witnesses and their families. This program provide for their financial maintenance including the following:
the security of these witnesses and destal appearant ravel; documentation expanses for identity changes; one-time relocation; costs
for obtaining amployment; and other miscellandous appeares. This activity sine provides for construction and maintenance of strategically
located safesite facilities to house protected witnesses before and during trails, and for operation of the Safesite and Orientation Canter.

<u>Accomplishments and Workland</u>: This program reports its verticed in the Marshal Servics's Ultmess Security program. However, a recent Constal Accounting Office report entitled "Vitness Security Program: Prosecutive Results and Participants Arrest Data" (GAO/GOD-64-97) found that, upon reviewing 120 case summaries involving the testimony of protected vitnesses, 78 percent of the defendants in these cases vers found guilty. Eight-four percent of these found guilty were sent to prison for a median sentence of 4.4 years.

Funding for this sociuity has been sufficient to ensure the protection of witnesses willing to testify on behalf of the government in sil

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Vietim Companiation Fund...... \$350 \$550 \$550 \$350

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<u>kons hands Cosh</u>: To pay restitution, or in the case of death, compensation for the death, to any victim of a crime that causes or threatens death or serious bedily injury that is committed by a vitness while encolled in the Witness Security program.

HAIRK OBISCLAYSE

To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

BAIR PROMISE DESCRIPTION This progress provides resources to compensate individuals who are victimised by a protected vitness. Section 1208 of the Comprehensive Crims Ontrol Act of 1984 (fittle II of P.L. 98-473), enacted October 12, 1984, authorised up to 81,000,000 to be appropriated annually for a Vistim Compensation Pund. The Pund was first funded by the Supplemental Appropriations Act, 1983 (P.L. 99-88).

Restitution will not exceed \$10,000 for those individuals victimized by program participants aince the establishment of the Fund.
Restitution will not exceed \$25,000 for claims paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such orizes vore committed prior to enscient of P.L. 96-473.

<u>Assocultabanati</u>. The Department has provided adequate companation to those vistims who have been identified, submitted appropriate claim information, and vere found aligible to receive benefits. The Gelminal Division has promulgated guidelines for identifying and notifying posential claimants, reviewing the claims, and making payments from the Pund.

	1989 Enected	1990 Base	1999 Kerimere	Incress/Decress
unsel	8634	1698	82,000	81,366

LODE RANKS. COLL: To continue to defend Paders! employees personally sued for carrying out official duties.

Malor Objective: To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected vitness.

Mark Problem Description: This society provides funding to allow the Department to retain gutlaide private counsel to represent government offices and employees who are aused for actions taken while performing their official duties. As provided for under 20 C.P.M. 30.15 and 30.16, the Civil Division is delegated the authority to retain such counsel and payments for such services will be payable from the Department of Justice appropriations.

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ASSOMBLIGHMENTS. The Department has provided adequate funding to handle the recent increase in private counsel requirements.

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<u>Ecotem chanker</u>: The requested additional resources will allow the Department to handle an expected increase in demand for private counsel services. The Department anticipates that the number of <u>Divank</u> cases will increase due to recently enacted legiciation that restores federal employees' protection essinat common law liability claims. Since federal employees cannot be sued for common law tosts, the Department believes that potential plaintiffs will pursue allegations on constitutional grounds.

Department of Justice

Einsnoisi Ansirsis - Program Changes (in thousands of dollars) fees and Expenses of Vitnesses

	Fees and Expenses	1 Private	-		۱ -
	of Witnesses	Counsel	-	Total	-4
		_	-		_
pecial Personal Services Payments	\$2,300	:	-	\$2,300	_
ravel	. 002	:	-	100	
ther Services		1 \$1,366	_	1,366	
		_	-		١ -
otal obligations changes requested, 1990	3,000	1,366	-	4,366	_
			-		

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Department of Justice

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Pees and Expenses of Minesassa

Justification of Adjustments to Been (in thousands of dollers)

Mandatory Ingress:

Constal sticing large addresses. The lactors of Forender 17, 1988 to selected applies obligations as forender 17, 1988 to selected applies obligations as forender 17, 1988 to selected applies posterior to the lactors of 2.1 percent samine these subobject classes where the forender 1999 as a saminified through the market bytem intend of Py law or required no Generally, he forcer is applied to supplier, meterials quippent, centrate with the private computation are acteriated within the private computation are acteriated and utilities. Excluded from the build into the 1990 actimates. _:

Total, Adjustments to base.

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beanl Activities

Para and Rupanes of Wingsons

Support of Resultenents by Oblest Class (In thousands of dollars)

Obites, Class	1255 ARING	1152 Sparted	1999 Request	Jacksals/Deaksals
11.8 Special Personal Services	439,062	845,297	611,003	9449
21.0 Travel & Transportation of persons	10,516	11,350	12,020	
25.0 Other Services	£ .	706	2,100	1,394
Direct obligations	47,015	15,533	56,213	2,660
Unobilgated balance, atart of year Unobilgated balance, and of year	-7,434	-4,379	-1,429	
Budget Authority	47,019	47,013 32,203 36,784	56,784	
Relation of obligations to outlays Obligations incurred, net	619,61	55,553	98,213	
Obligated balance, start of year Obligated balance, end of year	18,818	25,928	23,361	
Outhaya	42,560	58,120	64,596	·

Mr. Flickinger, will you continue to testify on this appropriation? You may proceed.
Mr. FLICKINGER. Mr. Chairman, I have a statement for submission in the record. I will try to highlight it.
Mr. Early. We will include the entire statement in the record. [The prepared statement of Harry H. Flickinger follows:]

DEPARTMENT OF JUSTICE
FEES AND EXPENSES OF WITNESSES
STATEMENT OF THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION,
HARRY H. FLICKINGER
BEFORE THE HOUSE APPROPRIATIONS SUBCONMITTES ON THE
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY AND RELATED AGENCIES

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I AM ALSO PLEASED TO APPEAR BEFORE YOU IN SUPPORT OF THE 1990 BUDGET REQUEST FOR THE FEES AND EXPENSES OF WITNESSES APPROPRIATION. THE REQUEST IS FOR \$56,784,000, WHICH REPRESENTS AN INCREASE OF \$4,581,000 OVER THE 1989 APPROPRIATION OF \$52,203,000. THE 1990 REQUEST INCLUDES PROGRAM INCREASES OF \$3,000,000 FOR THE FEES AND EXPENSES OF WITNESSES ACTIVITY AND \$1,366,000 FOR PRIVATE COUNSEL

THIS APPROPRIATION IS USED BY ALL OF THE DEPARTMENT'S

LITIGATING ORGANIZATIONS FOR THE PAYMENT OF PEES AND EXPENSES OF

FACT AND EXPERT WITNESSES WHO PRESENT TESTIMONY ON BEHALF OF THE

U.S. GOVERNMENT, AND TO PAY THE EXPENSES ASSOCIATED WITH COURT

ORDERED MENTAL COMPETENCY EXAMINATIONS. THE APPROPRIATION IS

ALSO USED BY THE U.S. MARSHALS SERVICE TO PAY THE EXPENSES

ASSOCIATED WITH THE PROTECTION OF WITNESSES AND THEIR DEPENDENTS.

FURTHER, APPROPRIATION RESOURCES ARE USED TO PAY RESTITUTION TO

ANY VICTIM OF A CRIME THAT CAUSES OR THREATENS DEATH OR SERIOUS

BODILY INJURY AND THAT IS COMMITTED BY AN INDIVIDUAL ENROLLED IN

THE WITNESS SECURITY PROGRAM. IN CASE OF DEATH, COMPENSATION IS

PAID TO THE VICTIM'S ESTATE. FINALLY, THE 1989 APPROPRIATION ACT

PROVIDED FOR THE TRANSFER OF FUNDING TO PAY PRIVATE COUNSEL

EXPENSES FROM SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES TO

FEES AND EXPENSES OF WITNESSES. THESE FUNDS ARE USED TO PAY

THOSE EXPENSES ASSOCIATED WITH THE PROVISION OF OUTSIDE LEGAL REPRESENTATION OF GOVERNMENT EMPLOYEES WHO ARE SUED FOR ACTIONS COMMITTED WHILE PERFORMING THEIR OFFICIAL DUTIES.

THE ADDITIONAL RESOURCES REQUESTED FOR THE FEES AND EXPENSES OF WITNESSES ACTIVITY WILL ALLOW THE DEPARTMENT'S FRONT-LINE ATTORNEYS TO MAKE GREATER USE OF THE VALUABLE SERVICES PROVIDED BY EXPERT WITNESSES. THE OVERALL COST OF OBTAINING SUCH SERVICES CONTINUES TO INCREASE EXPONENTIALLY DUE TO VARIOUS INFLATIONARY PRESSURES, AS WELL AS THE COST OF CERTAIN ADVANCEMENTS IN SOME OF THE TECHNICAL AND TECHNOLOGICAL APPLICATIONS EMPLOYED BY OUR WITNESSES. FURTHER, AS YOU ARE PROBABLY AWARE, THERE IS A DIRECT RELATIONSHIP BETWEEN THE DEMAND FOR EXPERT WITNESS SERVICES AND THE DEPARTMENT'S CASELOAD. IF ADDITIONAL RESOURCES ARE PROVIDED TO ALLOW EXPANSION OF OUR VARIOUS LITIGATIVE ACTIVITIES, THERE WILL LIKELY BE A CONCOMITANT INCREASE IN THE NUMBER OF REQUESTS FOR EXPERT WITNESSES.

THE NEED FOR ADDITIONAL RESOURCES FOR THE PRIVATE COUNSEL ACTIVITY IS BASED ON OUR ASSESSMENT THAT THE NUMBER OF BIVENS
CASES WILL INCREASE THROUGH 1990. ALTHOUGH THE FEDERAL EMPLOYEES
LIABILITY REFORM AND TORT COMPENSATION ACT OF 1988 (P.L. 100-694)
RESTORED TO GOVERNMENT EMPLOYEES CERTAIN PROTECTIONS FROM COMMON
LAW TORTS, IT EXPRESSLY OMITTED SIMILAR PROTECTION FROM
CONSTITUTIONAL TORTS. THEREFORE, THE DEPARTMENT BELIEVES THE
NUMBER OF CASES BROUGHT AGAINST GOVERNMENT EMPLOYEES WHO
ALLEGEDLY VIOLATE CONSTITUTIONAL SANCTIONS WILL INCREASE
SIGNIFICANTLY THROUGH 1990.

SUMMARY OF REQUEST

Mr. FLICKINGER. The request is for \$56,784,000, which represents an increase of \$4,581,000 over the 1989 appropriation of \$52,203,000. The 1990 request includes program increases of \$3 million for the fees and expenses of witnesses activity and \$1,366,000 for private counsel.

This appropriation is used by all of the Department's litigating organizations for the payment of fees and expenses of fact and expert witnesses who present testimony on behalf of the U.S. Government, and to pay the expenses associated with court-ordered mental competency examinations.

PROTECTION OF WITNESSES.

The appropriation is also used by the U.S. Marshal Service to pay the expenses associated with the protection of witnesses and their dependents. Further, appropriation resources are used to pay restitution to any victim of a crime that causes or threatens death or serious bodily injury and that is committed by an individual enrolled in the Witness Security Program. In case of death, compensation is paid to the victim's estate.

PRIVATE COUNSEL

Finally, the 1989 Appropriation Act provided for the transfer of funding to pay private counsel expenses from Salaries and Expenses, General Legal Activities to Fees and Expenses of Witnesses. These funds are used to pay those expenses associated with the provision of outside legal representation of government employees who are sued for actions committed while performing their official duties.

PROGRAM INCREASES

The additional resources requested for the fees and expenses of witnesses activity will allow the Department's front-line attorneys to make greater use of the valuable services provided by expert witnesses. The overall cost of obtaining such services continues to increase exponentially due to various inflationary pressures, as well as the cost of certain advancements in some of the technical and technological applications employed by our witnesses.

Further, as you are probably aware, there is a direct relationship between the demand for expert witness services and the Department's caseload. If additional resources are provided to allow expansion of our various litigative activities, there will likely be a concomitant increase in the number of requests for expert witnesses.

The need for additional resources for the private counsel activity is based on our assessment that the number of Bivens cases will increase through 1990. Although the Federal Employees Liability Reform and Tort Compensation Act of 1988, Public Law 100-694, restored to government employees certain protections from common law torts, it expressly omitted similar protection from constitutional torts. Therefore, the Department believes the number of

cases brought against government employees who allegedly violate constitutional sanctions will increase significantly through 1990.

HIGHER COSTS OF EXPERT WITNESSES

Mr. EARLY. You request an increase of \$3 million for fees and expenses primarily due to the higher costs of expert witnesses. Ex-

plain the need behind that requirement.

Mr. FLICKINGER. First, there is the normal inflationary impact. These charges are increasing like everything else, unfortunately. In addition to that, the types of expert witnesses we have to use frequently are fairly exotic kinds of people with exotic kinds of skills, for example the medical, engineering and scientific professions, where the individual may claim he is the one and only in the world with that expertise. That expertise requires additional money. These experts are not as cheap as they might otherwise be.

EXPERT WITNESS GUIDELINES

Mr. EARLY. Are we looking at holding down the costs?

Mr. FLICKINGER. We attempt to. We put out guidelines for our components. We urge them to stay within the guidelines. In reality, you will not get the services of these people if you cannot pay the price. We are in something of a trap regarding the level of wit-

ness compensation.

Mr. Early. The table on page 6 of your justification, I think, conflicts with your statement that the expert witnesses costs are driving up the requirements. According to the table, expert witnesses costs grew by only \$240,000 from \$25,380,000 to \$25,620,000, not \$3 million.

Mr. ROPER. To the best of our knowledge, we have applied in 1989 the anticipated costs that we are going to bear for expert witnesses. We are going to use the carryover funding from 1988 in 1989. We are truly going to have a need for that \$3 million in 1990.

Mr. EARLY. In your submission you show \$25.38 million.

Mr. ROPER. The way we constructed the table reflects the application of \$3 million of 1988 carried forward money against the 1989 need. Therefore, it looks like there is only a \$240,000 change in cost, but in terms of the money that will be available to the account, we will not have that level of carryover in 1990.

Mr. EARLY. Do you have carryover?

Mr. ROPER. Yes, sir, this year we carried over approximately \$4.8 million from last year. That is a drop of almost \$2.5 million compared to the year before. Going into 1988 we carried over approximately \$7.5 million. Going into 1990, we expect to carry over—at least the budget reflects an estimated \$1.4 million. At the rate we are obligating for experts, we will not have that much to carry over. In 1987, the Fees and Expenses of Witnesses were made a no-year account with money appropriated remaining available until spent.

Mr. Early. Please supply the actual numbers for the records.

[The information follows:]

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Unobligated Balances Available From Prior Year Funding

	I = -	Amounts
1988 Carryover	(Actual)\$7	.434.000
1989 Carryover	(Actual)\$4	779,000
1990 Carryover	(Estimate)\$1	400,000

PRIVATE COUNSEL—PROGRAM INCREASE

Mr. Early. On private counsel, you request an increase of \$1.366 million to represent Federal employees sued for actions taken while performing official duties. Why do you think this will increase?

Mr. FLICKINGER. Mr. Chairman, we are anticipating an increase in activity in terms of the Bivens type activity. We are witnessing in the FBI the situation of some 20 agents being sued. Other cases are fairly notorious. We see no relief for the government employee in terms of his or her protection from constitutional torts. They are going to be subjected to this, in our estimate, increasingly, not less. We are anticipating a growing problem.

BIVENS SUITS-FBI

Mr. EARLY. I would like to be sympathetic to it, but sometimes they bring a lot of it on themselves. The FBI's image, at least in this Member's eyes, has not gone up, it has gone down in the last few years. I have seen the confidence of the people I deal with fall. They don't have the confidence that they had.

I am talking about before Mr. Sessions. I have seen studies that

show there will be a lot of suits.

Mr. Flickinger. We are anticipating that.

REIMBURSEMENTS-PRIVATE COUNSEL

Mr. Early. The taxpayers are defending everyone. In your fiscal 1989 appropriations the Congress provided you the authority to obtain reimbursement from the Federal agency which employed potential plaintiffs. Are you attempting to obtain reimbursement?

Mr. Flickinger. We have had very little experience. Mr. Roper? Mr. Roper. Yes, the Civil Division is managing the private counsel program. They have reimbursement guidelines that they have issued to every attorney in the Civil Division who may encounter requests for private counsel. Their advice is to seek the reimbursement from the client agencies because at this point in time they are close to obligating or committing the entire \$634,000 that is available in the fees and expenses account for private counsel.

One of the major tasks right now is working with the FBI on a

reimbursement agreement.

Mr. EARLY. I would hate to think of how much time the FBI is going to give them on that. Would you describe for the record the efforts made to obtain the reimbursements, from whom and how many and, if this hasn't been done, why not?

Mr. ROPER. If I may, sir, part of the limitation on reimbursements is that the language uses the words "the Attorney General may" and that makes it a little more difficult when we are negoti-

ating.

[The information follows:]

PRIVATE COUNSEL REIMBURSEMENT

The Civil Division is currently negotiating its first reimbursable agreement for an estimated \$125,000 with the Department of the Navy. Since the negotiation is still in an early stage, no response regarding the Navy's position on such a request is available yet. The Division has indicated that in the future, it will pursue reimbursations. able agreements with all prospective client agencies.

Mr. Early. It sure does. What happens if there are insufficient funds to hire private counsel? Do the department attorneys represent the employee or does the employee pay for his own? What happens if we are not able to give you funds?

Mr. FLICKINGER. We might go to other appropriations to support that, transfer money or, perhaps, they would have to provide their

own funds.

Mr. Early. I would not suggest that it is open ended.

Mr. Flickinger. In some ways, it is, sir. As the need develops you attempt to address it. There is that risk.

VICTIM COMPENSATION FUND

Mr. Early. For the past two years no funds have been obligated for the victim compensation fund. Why do you believe that \$590,000 is required for fiscal year 1990?

Mr. FLICKINGER. Right now there are some 25 matters pending consideration that could impact that fund. We don't know what the final determinations will be, whether these people will qualify for monies from the fund or not. Our estimate is that some of those claims will be approved.

Mr. Early. Are victims covered under this program also covered under the Crime Victims Fund administered by the Office of Justice

Programs?

Mr. FLICKINGER. No, they are different funds. Mr. EARLY. You have only two requests for that?

Mr. FLICKINGER. You are talking here about people being victimized by other people who are protected by the Department of Justice in the witness protection program. That is a small universe.

VIOLATIONS BY PROTECTED WITNESSES

Mr. Early. There was a question this morning. Have any of them committed violations or abuses? There are several who went out and got a new identity and went to banks for loans, and they had no intention of repaying them. There were a lot of those abuses. I don't think the response this morning was accurate, we don't know if any have been violated. Several allegations have been reported in the newspapers of them committing other crimes. That program doesn't seem to be getting any better.

Mr. Flickinger, I just hope we can implement the computerization. If we don't do it, we are going to be back here with the same degree of non-performance. The agency is just so big, if it is not on computers—if you cannot hit a computer and have it spit out delinquency and each U.S. Attorney who has collected X and all the ones who have not collected anything—we are not going to be any

Mr. Early. There are a lot of things I would not go for in funding there, but I will give you any funds for automation you requested.

Mr. FLICKINGER. We appreciate your support there, sir.

AUTOMATION FUNDING

Mr. Early. It is not just Justice. It is the State Department, it is turf as far as who is going to control it, et cetera. My question on leasing out the contracts, I don't have a problem with how you do it. I think the Attorney General should have to make a tough decision and give it to somebody who can do the job.

Mr. Flickinger. It has to get done. We agree 100 percent.

Mr. Early. Fine. I want to thank you for your time.

TUESDAY, FEBRUARY 28, 1989.

UNITED STATES TRUSTEES

WITNESSES

THOMAS J. STANTON, DIRECTOR AND COUNSEL

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-TRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Introduction

Mr. Early. We will now hear from the United States Trustees System Fund. The Trustee System requests \$62,777,000 in new budget authority in fiscal year 1990 to be derived totally from fees collected and deposited into the fund.

We will insert in the record the fiscal year 1990 budget justifica-

tion for this request.

[The justification follows:]

Department of Justice Legal Activities United States Trustee System Fund Estimates for Fiscal Year 1990

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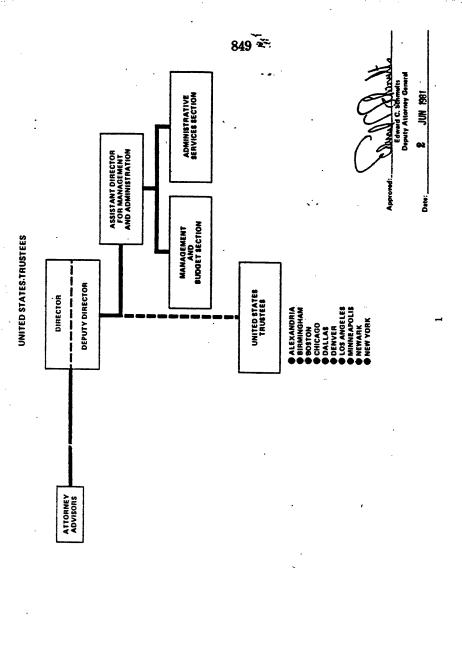
Detail of Permanent Positions by Category.

Summary of Change.

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Summary of Requirements by Grade and Object Class.

Consulting and Related Services.



Legal Activities

United States Trustee System Fund

Sumary Statement

The Department of Justice is requesting a total of 918 permanent positions, 895 workyears and \$62,777,000 for the United States Trustee program in 1990. This request represents an increase of 25 positions, 80 workyears and \$85,000 is requested to the requested enhancement, \$14.454 is for mandatory increases. A program increase of 25 positions, 13 workyears and \$95,000 is requested to fund officer in five additional cities. To finance the program in 1990, the Department is seeking authority to spend amounts deposited in the United States Trustee System Pand. This will be the second year that the Trustees will be totally funded from receipts deposited (filling fees and chapter 11 quarterly fees) in the System Rund.

Nineteen eighty-mine is the final year of the three year expansion to a nationaide program. The isopremials from 1899 appropriation denied \$112,123,000 in increases for the program. This decreases whild have halted the program expansion if carryover finds had not been available if from 1899. Carryover finding is available in 1899 because the planned expansion was delayed during three manths of operation under continuing resolutions in 1989; full staffing of authorized levels as not achieved. If the program is severally underfunded in 1890, there may be no other option but to begin closels fill filled staff or other option but to begin closels fill fill of several locations; this would create a major crisis in bankruptoy administration. Billions of dollars in assets held for the benefit of creditors will be placed at substantial rigk, including large same cade to the fressury. Furthermore, the thited States Trustees system would be unable to fallfill the Congressional mandee of providing aministration and oversight of bankruptcy cases. It is important to note that user fees rather than appropriations from the general revenue provide the funding for this program.

Administration of Cases

The Administration of Cases program involves the oversight of bankruptcy cases filed in federal judicial districts specified by the 1986 Act. By the beginning of 1990, 88 districts will be served by 21 U.S. Trustees and at least 22 field office or sub-office locations. There were 11 U.S. Trustee receipts operating by August. 24, 1987 encompassing a total of 47 federal judicial districts. During 1988, the remaining 10 regions encompassing 41 districts were established.

The U.S. Trustees will continue to place major emphasis on the Congressional mandate to "serve as bankruptcy watchdogs to prevent fraud, dishonesty, and overseaching in the bankruptcy areas. It has a spressive maintain the brainty practitioners, the U.S. Trustees will maintain their highly effective procedures for referring criminal matters to the U.S. Attorneys and providing them with information needed for effective case prosecution. Referrals are made to the U.S. Attorneys or to state and local enforcement or regulatory agencies as appropriate.

A program increase of 15 positions, 13 workpears and \$953,000 is requested for five additional offices which are required to fully implement the nationwide expansion but were not included in initial expansion plans or budget requests. These offices are Moon, Georgia Tallahassee, Florida, Passawalle, Florida, Pavillab, Markland, Rebellay, Mark Vitanhah, Punding, Profess from offices is being provided temporarily in 1988 and 1988 from assings attributable to delayed openings of offices in the original plan, By 1990, however, funding will no longer be adequate for the offices in the original plan, By 1990, however, funding will no longer be adequate for the offices in the original plan, By 1990, however, funding will no longer be adequate for the offices in the original plan of these five locations. Prior to the opening of these offices, employees from other field offices were forced to travel frequently to

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administer cases in those locations. Because of the frequency of the trips and the distance that must be travelled, the establishment of offices in these areas became necessary.

Management and Administration

The Management and Administration program provides the centralized legal, policy and administrative support for the bankrutpcy case administration program. The Mewense collection system supervises collections and manages the investment of our funds. Our goal is to create a consistent nationwide approach in the application of the Bankrupicy statutes and to ensure the highest level of professional competence.

United States Trustee System Fund

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

United States Trustee System Fund

For the avcessary expenses of the United States Trustee Program, 1847,370,000, <u>to remain available until expended</u> and to be derived from the Pand, for activities authorized by section 115 of the Euntwirety Judges, Inited States Trustees, and Panily Panner Bankruptey, Act of 1986 [Public Law 99-554]: Provided, That deposits to the Man are available in such accurate as may be necessary to pay refunds due depositorait. Provided further, That obliqued balances remaining in the United States Trustee Systems Pund'l.

(12 U.S.C. 1904b) Department of Justice Appropriation Act, 1989; additional authorizing legislation to be proposed.)

Explanation of Change

***. The language to marge the obligated balances is no longer recoded because the account "Salaries and expenses, oversight of bankruptcy cases" was marged as of September 30, 1988.

1:

Leval Activities United States Trustee System Fund Crosswalk of 1989 Changes (Follars in thousands)

	Budg	1989 President's Budget Kequest	1989 President's Budget Request		Congressional Appropriation Actions on 1989 Request	Congressional Appropriation Actions on 1989 Request	8	Approved	Approved Reprogrammings		Appropr	1989 Appropriation Enacted
Bankruptcy Matters	Per Pos.	È	Perm. Pos. MY Amount Pos. WY Amount	Por .	\$		2 8	È	Perm. Pos. WY Amount Pos. WY Amount	Pers.	\$	Perm. Pos. WY Amount Pos. WY Amount
Administration of Cases		830	839 830 854,121	:	3	(71) (12,022)/1	:	፧	:	30 50 50	169	835 759 42,099
Management and Administration		25	54 52 5,372	:	:	(101)	:	:	Ė	. 2	20	54 62 6,271
Total		882	893 882 59,493	:	E	(71) (12,123)	:	:			118	893 811 47.370

Congressional Appropriation Action on 1989 Request.

Congress disallowed \$12.125,000 of the requested 1989 budget authority. This shortfall was mitigated by carryover authority from 1988. Orderly expansion of the progress was delayed in the first three months of 1988 because the Orgentant was operating under 3 continuing resolutions. Some of the \$12.123,000 budgeted to annualize positions approved in 1988 could not be used as planned for the intended expansion of the progress, and smaller abounts budgeted for other uncontrollable increases were not fully utilized. As a result, approximately \$8,817,000 unobligated 1988 balances will be available to support the 1989 progras.

/1 A portion of the PTE will be funded from carryover balances in 1989.

Lusal Ackivilisa United States Trustee Syskes Fund Susarr of Rewitesents (Dollars in thousands)

W Asount	893 511 47,370		8	11 14,361	893 882 61,824
~	_			-	2
5	3		:	٦	2
Pers.	E		:	:	268
Adjustments to base	1989 appropriation enacted.	Transfers to and from other accounts ;	Pinancial Operations Service Transfer	Mandatory increases	1990 Bade 1893 1893 1893 1893 1893 1893 1893 1893

	5	W Enac	ted	2	BB Act	=	1989	Approp	1988 Enacted 1988 Actual 1989 Appropriation 1990 Base	=	390 Bar	2	161	76 Rst	laste	1990 Ratinate Increase / Decrease	2	ecrease
Estimates by budget activity	Pere.	VY Assou	Amount	į .	Š	Asount		Ē	Amount	Pers.	\$	Asount	i .	\$	Amount	Pers. Pers. Pers. Pers. Pers. Pers. Pers. Pers. Pers. W. Asount Pes. VY Asount Pe	š	W Assent
1. Administration of cases 839 478 42,099 839 430 36,310 839 759 42,099 839 850, 86,136 864 843 57,089 26 13 953	. 839	\$	42,099	ŝ	\$	36,310	839	759	42,099	838	830	56,136	798	3	\$7,089	52	2	58
2. Management and administration 64 52 5,271 64 34 5,340 54 52 5,271 54 52 5,688 64 52 5,688	3	25	5,271	3	3	5,340	3	25	5,271	3	29	5,688	3	25	6,688	:	:	:
Total	. 893	930	47,370	250	â	41,650	20	Ē	47,370	883	882	61,824	2	8	62,111	893 530 47,370 893 464 41,650 893 811 47,370 893 882 61,824 918 895 62,777 25 13 953	2	953
EXPLICITE Persuament: Appro. Reis. Total Appro. R	Appro.	* 1	823 623 11 101	Appro. 605	<u>.</u>	Total 605 31	Appro.	.	Total 878	Appro. 1	<u>.</u>	fotal 875	Appro. R	# ::	70ta1	Appro. Reiss. Total Appro.	41::	25 25
•		:	5		:	070	000	:	999	9	:	989	=	:	-	626 616 686 686 686 611 511 52	:	\$2

Leval Activities United States Trustee System Fund Justification of Program and Performance

(Dollars in Thousands)

1989 Appropriation

Increase/Decreaso Perm. Pos. W Amount	25 13 \$ 953 25 TI \$ 953
Perm. NY Amount	864 843 \$57,089 54 52 5,688 918 895 \$62,777
Perm. Pos. NY Amount	839 830 \$56,136 54 52 5,688 893 882 \$61,824
Perm. Perm. Pos. Wy Amount	839 759 \$42,099 54 52 5,271 893 811 \$47,370
Activity: Bankruptcy Matters	Administration of cases

This budget activity includes all of the resources for the United States Trustee program. Punds requested for this activity support the U.S. Trustee program, persons persons involved at headquarters and in the field offices in the supervision of bankruptcy case administration in a total of 88 federal yiddical districts.

	1989	Approp	1989 Appropriation Discred	E	1990 B	186	199	Esti	ate	Incre	ase/D	crease	al
	Pos.	È	Amount.	8	Ě	Pos. WY Amount	9	È	Pos. WY Amount	Pos. WY Amount	š	Amoun	ᆈ
Administration of cases	839	159	\$42,099	839	830	\$56,136	864	8	\$57,089	52	=	25 13 \$ 953	

Long-Range Coal: To assure the effective administration of bankruptcy cases, with the maximan confidence of creditors, debtors and the courts. Also, to permit judges to focus on legal matters in the cases before them, by performing case administration.

Major Objectives: In creating the U.S. Trustee system, the Congress cited the necessity for separating administrative and adjudicative functions "to affort bankington's this plant and impartial justice on which all other littigants in the federal courts are entitled" [8.8. Rep. No. 555, 95th Cong., int Beas. 9] (1977). Within this broad responsibility the objectives of the U.S. Trustees are:

To ensure a consistent nationwide approach toward the application of Rankruptcy laws.

To supervise the performance of Chapter 11 debtors in possession (or trustees and examiners) to preserve the going-concern value of the business, prevent administrative insolvencies and quard against tax losses to the Treasury.

To maximize assets of estates and distributions to creditors.

To monitor the costs of estate administration (primarily fees).

To recruit, select, train and maintain panels of qualified individuals to serve as private trustees in Chapter 7 cases.

To expervise the administration of Chapter 12 and 13 cases by standing trustnes, and, if possible, to reduce the costs thereof.

To encourage creditor participation in bankruptcy cases.

To ensure that parties in a bankruptcy case act in conformance with the law, and that fraud, dishomesty, and overreaching in the bankruptcy arena are prevented.

To assign cases to panel members on a fair and impartial basis and supervise their performance.

Base Program Description. The objectives that the U.S. Trustee System were created to accomplish have not charged since the inception of the program. The Trustee program has expanded to include 96% of the total bankruptcy fillings in the United States. 1990 will represent the accord year that the Trustees will be totally self funds deposited (filling fees and Chapter II Quarterly fees) in the United States Trustee System Pard.

Accomplishments and Morkload: The table below summarizes the cases under chapter 7, 11, 12, and 13 of the Bankruptcy Code.

ses Administered under Chapter 7:	1987	1988	1989	1990	
a. Active, start of year	374,257	370,881	351,966	334,016	
Filed	402,558	437,000	487,000	558,000	•
Inactivated	405,934	455,915	504,950	575,035	٠.
d. Active, end-of-year	370,881	351,966	334,016	316,981	
es Administered under Chapter 11:					
a. Active, start of year	78,863	77,096	74,012	71,052	
, Filed	21,403	18,071	18,071	18,071	
. Inactivated	23,170	21,155	21,031	20,913	
. Active, end-of-year	960,11	74,012	71,052	68,210	
Cases Filed under Chapter 12s	5,749	2,941	3,122	3,145	
Cases Filed under Chapter 13:	138,678	153,000	169,000	193,140	
Total cases filed, all chapters:	568,388	- 611,012	677,193	772,356	

Pagiantion. Bathates provided above are for the entire United States. The six districts that will not be a part of the United Status Trustes argorm until 1921 represented only 4 of the fillings in 1921. Nationandle estimates were deemed area appropriate for comparative purposes than the anticipated caseload iewels for the districts where the United States Trustees will have green offices during the phase-in period. Total case fillings increased by 124 from 1986 to 1987. Projections for 1987 to 1990 indicate a 35% increase in fillings.

. .

	1989 Perm.	Pacts	1989 Appropriation Enacted	Per la	990 R	1990 Rase	199	Estin	1990 Estimate	Increase/Decrease Perm.	eq/es	rease	1
	8	È	Pos. WY Amount	P08.	Ē	Amount	908	È	MY Amount	88	ž	Amoun	ei.
ation of cases	839	759	\$42,099	839	830	\$56,136	864	843	\$57,089	52	13	\$	9

THE CONTRACT OF THE PARTY OF TH

<u>Program Charges.</u> Offices in five additional cities (Mecon, Georgia, Tallahasses, Florida; Jacksonville, Florida; Rockville, Maryland; and Mmelling, West Virginial above those planned as part of the expension are needed to administ the exitting caseload. These offices were opened with existing resources which were available due to the larse in funding charing the expansion. Larges will no longer be available since the expansion has been completed. Annualization of these costs has not been addressed in any previous budget request.

The need for two of these offices is justified by the unwieldy geography of the Allanta region. The Moon, Georgia caseload has been split between the statisting offices of Allanta and Savaraha. The Allanta and Savaraha, The Allanta and Savaraha, The Allanta and Savaraha and Savaraha. The tractersy varies depends of the number of 341 meetings and court appearances. Allanta personnel speed 3-4 hours travelling to Moon (now way) at least 7 thins a month. The frequency varies depends of the number of 341 meetings and south the personnel appearances. Allanta personnel 140 to Tallandansee to talted out and 341 meetings up to 20 trans a month. The Tallanssee of titled value and the savaraha the savaraha savaraha the savaraha savaraha the savaraha

These judicial districts will be better served by having staffed offices to handle their oversight responsibilities. The opening of these offices will reduce the travel cost incurred by other offices in the region. The existing caseleds supports the placement of a field office in these areas Mithout the annualization of the costs associated with these new offices the ability of the Trustees to function in these regions will be impaired.

Increase/Decrease Perm.	Pos. WY Amount	:
1990 Estimate	Pos. WY Amount	52 \$5,688
1990 Perm.	De:	35
8	Pos. WY Amount	\$89'5\$
8	Š	25
Perm	908	Z
lation	Amount	\$5,271
1989 Appropria	ž	22
1969 J	Pos. WY	54 52
		Management and administration

Long Range Goal. To furnish U.S. Trustees with effective and efficient program management, policy direction, legal advice, administrative support and coordination.

Major Objectives.

Family Farmer "Bankruptcy Judges, United States Trustees, and bankruptcy cases are consistent with the law. of the program created by the assuring that actions taken in To develop policies which foster efficient implementation Bankruptcy Act of 1986," (Pub. L. No. 99-554), including a

To develop program priorities.

To implement the nationwide expansion of the U.S. Trustee program.

To review the management operations of field offices and recomment systems and procedures for improving the operational efficiency and effectiveness of these offices.

The second secon

To provide a full range of administrative support services to the field offices, including personnel, procurement, and space management.

To provide legal and paralegal research and support services to field offices.

To determine ADP and word processing requirements of field offices and provide for the necessary procurement, installation and maintenance of suitable systems.

To perform audits of private trustee performance.

To develop and maintain administrative, substantive and law enforcement operating manuals for guidance of U.S. Trustees.

To allocate field office staff and other rescurces, and to control the expenditure of funds in a manner which permits program accomplishments within appropriated levels and consistent with CMB Circular A-123.

To provide for liaison with other Department of Justice offices, boards and divisions with respect to administrative and logal matters.

To provide for lisison with Congress and with central administrative bodies, such as the Office of Monagament and Budget, the Office of Personnel Managament, the General Services Administration and the Administrative Office of the U.S. Courts.

To manage the U.S. Trustee System fund.

Bee Program Description. The U.S. Trustee system requires centralized policy guidance, coordination and administrative support. The Director and Depty Directors of the Recentive Office for United States Trustees growing page 18.5 Trustees and the restife in maintaining the class of the Recential Coursel's staff is responsible for giving logal advice and opinions to the U.S. Trustees and the providing assistance in maintaining the quality of legal work performed in the filed offices. The administrative staff is responsible for budget development and execution, resources allocation, procurement and contracts, presented in the resonance in administrative staff is responsible for management in formation systems. The policy and planning staff is responsible for management assessments, internal control compliance, and ownerful policy planning. The Review Analysis staff distrets objection activity and manages the U.S. Trustee System fund. There are management requisitions and use of space require centralized handling of these responsibilities. The complexity of federal personnel requisitions are delegation of this function of this function of the formation of the form

United States Trustee System Fund Financial Activity (Dollars in Thousands)

	1988	1989	1990	
Unappropriated balance, start of year	\$ 24,171	\$ 49,975	\$ 54,220	
a. Case filling fees	22,275	24,368	27,097	
c. Interest income, consider the cases de 28 U.S.C. 586(e) funds.	17,878 3,259 392	3,073	24,647 4,279 365	
Total, Collections on deposit	\$ 43,804 *1		\$ 56,388	
Total available for appropriation	67,975	101,590	110,608	
Appropriation	(18,000)	(47,370)	(62,777)	
Unappropriated balance, end of year	\$ 49.975	\$ 54.220	\$ 47.931	

1

*1 -- This total recognizes \$3,259,000 in interest income. The President's Budget Appendix is understated due to the exclusion of this amount.

The revenue estimates are made on a cash receipt basis.

The filling fee revenues are based on projected court filings. The statistics show increases in Chapter 7 and 13 filings and no increases for chapter 11 and 12 filings.

The Management and Administration decision "int receives monthly data from the ACISC on the amounts credited to the Fund for filling fees collected by judicial district offices of the bankruptcy and district courts. These reports are monitored against projected revenues to determine the status of filling fees deposited to date.

The Chapter 11 quarterly fees continue to phase-in according to the certification dates of new regions in the nationalde distribution of United States Trustee offices. While a region is certificated to the program to begin specialist and administration of cases filed in the region are not subject to the fees. After certification, any case filled after blowmer 28, 1986, and strill pradiately and as a case filled before Novamber 28, 1986 and still prediate, become subject to quarterly fees one year after certification, any case supports to quarterly fees one year after certification, and according to the time a case is confirmed, Alsmissed, or converted (even though the court confinues to recomplise the case as feed during each of the quarters.)

The chapter 11 quarterly fee projections for 1989 and 1990 reflects the opening of all areas except the North Carolins and Alabama districts which are excepted by lew until 1992. The total mecuant of the 1999 for discrete which were phased in until 1992. The total mecuant of the 1999 for districts which came under the U.S. Trustee Program in 1988. The 1990 quarterly fee increase represents increasing success in the collection of fees as all cases fall under U.S. Trustee Program in 1988. The 1990 filling.

Miling.

During 1997, a system was devised and implemented within the decision unit to bill for and collect quarterly fees in chapter 11 cases. These fees are paid to a central lock box facility and deposited in the Treatury a contract with a bank. A separate contract is conrative to maintain individual case accounts, to issue the billing statements and provide relevant reports. Field office presents are responsible for collection efforts regarding delinquent accounts. The Management and Administration decision unit receives daily data on the amounts credited to the fund.

Dr. .

	Total	Amount
		Pos.
System Pund fram Changes ands)	Management & Administration	Pos. Amount
ustee - Pro-	Adei	
Legal Activities United States Trustee System Fund Financial Angivais - Program Changes (Dollars in thousands)	Administration of cases	Amount
Lun	Admin	Pos.

	2		ē	A HOUR	2	
					*	
68-13	.74	83	:	:	.~	30
	•	101			•	
CO_TC	•	5	:	:	•	₹
68-11	4	911	:		•	118
2.50	•					
	•	2	:	:	•	8
08-7	.~	38	:	:	~1	30
g-80	•	7	;		•	3
	•		:	:	•	
Ungraded	-	216	:	:	•	276
Total, Pos. 4			: : :	\$ 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8		
annual rate	9		:	:	27	
Lapse	(12)	(402)		:	(21)	(402)
Total Workyears & pers.	1		1			
compensation	2	\$4 05	:	:	13	\$ 405
4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		5				5
		3		:		3
Travel		22		:		2
Transportation		•		:		•
GSA Rent.		120		:		120
Comm. netl. A mice. chica.		9				A.
		3 2		:		3 =
		3		:		2
Other Services		79 1		:		159
Supplies		07		:		27
Equipment		67		:		67
		*********		**********		
Total program workyears and obligations changes removed to 1990.	5	252	:	:	=======================================	71 10 10 10
	:		:	•	:	

Legal Activities United States Trustee Systes Fund Relocity Renking

• • • • • • • • • • • • • • • • • • • •	Ranking	
Program Increase	Program	Administration of Cases
	Ranking	
Base Program	Program	Administration of Cases

Category	1988 Authorized	1989 Authorized		Total
U.S. Trustees or Assistant U.S. Trustees (301)		30	-	2
Bankruptcy Analysts (301)	136	136		2 = 2
Other Legal and Kindred (900-998)		252	:	22
Personnel Management (200-299)		9 3	::	~ *
General Admin., Clorical and Office Services (300-399)		2,39	9:	ت ة **
Total.	1	86.3	863	30
Washington. U.S. Fleid.	85.89 93.99	5.5 8.35 9.35	. 20	2 S
Total	8.63	268	52	3

4. 4.513.

United States Tristee System Fund Summary of Change (Dollars in thousands)

	Porm. Pom.	Work-	Amount
Department of Justice Appropriation Act, 1989	#63	811	\$47,370
Adjustments to base: Transfers to and from other accounts: Financial Operations Service Transfer	:	:	63
Mandatory increases: Annualization of nationwide expansion	:	12	9,631
JUGS FULL-Year Day increase ispact on 1990	: :	:	1,460
Althiratede Increases	: :	: :	3.5
Health benefits	:	:	207
Pederal Employees Retirement System (PERS)	:	:	1,085
GSA Tentral rapioyees Compensation Act (TECA) - Unempioyment Comp.	: :	: :	560
GSA recurring reimburgable services	:	:	-
Pederal Telecommunications System	:	:	30
Telephone service	:	:	52
Employee data and payroll services	:	:	9
Ceneral Drioton level adjustment	::	::	180
Pull-field investigations	:	:	12
Security Reinvestigations	:	:	5.
	1 1	1 1 1	*
Total, mandatory increment	:	11	\$14,361
	***************************************	1	
1990 Base	H93	882	\$61,824
Administration of cases	52	13	953
			1 1 1
1990 Request	918	895	\$62,777

Lond Activities United Stains Truston Swatem Fund Justification of Adjustments to Base (Dollers in Troussach)

Tres	Transfer to and from other accounts.	Mork-Years	Amount
l	Financial operations service transfer. A transfer of \$53,000 from hands appropriated to the General Administration appropriation for Thinnials are of the Services. In provided to all users of the Primarial about appropriation for Justice humanesment bivision. The arount transferred is based on settlented maps and will cover the cost of tearrices percined by the PGS, Beginning in 1990, the PGS functions which include accounting, various from the PGS functions which include accounting, which propasaling, financial resports, etc. will be transferred to the Marking Capital Purd and appearses will be charged back to each weer organization.	ŧ	8
	Mandatory (increases)		
ä	Annualization of nationwide expansion. Puriling enacted in the 1987 supplemental and annual appropriations in 1988 and 1989 provided for a Paraling enacted in the 1987 expansion program that is to be authentially completed in 1989. Pull-year operations in 1999 for offices in 88 judicial districts will require additional funding to fully annualise their costs.	r	9,631
Ä	1989 Full-year pay increase impact on 1990	:	1,460
÷	Special salary rates increases as authorized by law in \$ U.S.C. 310). The Office of Personni Mis reques provides increases as authorized by law in \$ U.S.C. 310). The Office of Personni Management (GHV) has approved there steas for positions when retaution and recruitment of qualified applicants is a problem. The Department's request represents coverage of 30 special rates.	:	276
÷	MIDALIN-STEAMS increases (MII) This require provides for the apprend increase in the cost of within-grado increases. This increase the band on a decade or the apprendix the provides and the cost of within-grado increases.	፥	341

Amount	207	1,085	s n	260		8
Mork-Years	:	÷	:	:	:	:
	Health benefits. The Total Improves Health benefits Act (P.L. 91-246) provided that the Government's above of the Total rate commencing in 1973. Effective for the first pay period after January 1, 1986 the secula contribution to health insurance incremed 25 percent. In addition, ORM has indicated that it anticipates an increase of at loast 15 percent by 1990 due to premium increases. The requested increase of \$200 provides furtal for cital increased costs from pay paried 1 to pay paried 2, projected for a full year plus the subiname 15 percent initially increase prodicted by GPM for 1989. The actual average increase is 28 percent.	 Pederal Employees Retirement System (F738) This request provides for the additional costs in 1990 necessary to continue the implementation of this request provides for the additional costs in 1996, P.L. 99-135. The Act established a retirement program for Pederal civilian amployees and Postal workers hired after December 31, 1983, and for employees under the Cvili Service Nettrement System who chose to transfer to the new system. The increased requirement for 1994 is based on several agency payments through pay period 16 for the basio F738 enruisy, Social Security and thrift sevings. 	 Paderal Employees Compensation Act (FECA) - Unemployment compensation. This increase reflects the billing provided by the Department of Labor for the actual costs in 1988 of employees' accident compensation. The 1990 emput will be \$68,000 or \$5,000 over the 1989 base. 	6. GM runt. The continue to charge routal rates that approximate those charged to communcial tenants for equivalent space and related services. A mandatory increase of \$560,000 is required to meet our commitment to GBA.	Negation relativistics are made to day for healing, ventilation and air conditioning provided in excess of normal working hours and for quart agravious. An estimated i.1 percent increase of \$1,000 in fees for these services in 1990 over the 1989 charges of \$90,000 is required.	10. Paderal Tolecomunications System (TTS): In 1966, the Command Committee of the Committee

o	\$14,361	\$14,454
÷	F	F
16. Security reinvestigations. The federal security reinvestigation program has been recottving widespread attention due to the fire federal security reinvestigation program has been recottving widespread attention due to the increase in espiconese cases, and the many situations where employees, who had been working in their jobs for a namber of years, were disconered to be involved in various activities that were detrimental to the nation is security. The office of fersonnel bandsent disconers having, other partners are partners and the regular 7,109 employees to be reinvestigated in each of the next five years to address the existing backlog, requested recourses will provide for only 2,300 cases per year. An increase of \$9,000 will be required in 1990.	Total mandatory increases	Total adjustments to base

Losal Activilles United States Trustee System Fund Summary of Reunitements by Grade and Object Class
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Grades and salary ranges E3-6, 880,700 E3-3, 874,900 E3-31, 874,900 E3-31, 874,900 E3-41, 874,900 E3-41,								
ES-6, 880,700. ES-3, 578,600. ES-3, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900. ES-4, 679,900.	Workyears	Amount	Positions & Workyrats	Amount	Positions & Workyears Amount	Amount	Positions & Workyears Amount	4 Amount
ES-5, \$78,600. ES-3, \$74,900. GS/WH-15, \$67,158-74,303. GS/WH-14, \$48,592-65,172. GS/GH-13, \$41,121-53,460.	-		-	-	1		:	!
ES-3, \$14,900 (85/04-16, \$47,184-1,303 (8)/08-14, \$48,592-63,172 (8)/08-13, \$41,121-53,460	-		-		~		:	
GS/GW-15, 857,158-74,303. GS/GW-14, 848,592-63,172. GS/GW-13, 841,121-53,460.	53		53		23		:	
QS/GM-14, \$48,592-63,172 QS/GM-13, \$41,121-53,460	32		35		35		:	
GS/GN-13, \$41,121-53,460	98		98		98		:	
	142		143		ž		24	
CO-10 6'4 5KD-44 457	5		5		5			
00-11 604 UKU-07 610	::		72		16		_	
00-0 622 K46-21 001	-		117		121		-	
00-31 600-30 000	2		2		52		:	
CO-0, 021,030-20,040	2		95		102		N	
COL. 1 619110-1012	3				ě		' :	
CO-0 - 11 1046-64100011111111111111111111111111111	8 2		3 %		7		-	
CG-21 9131198-F01403	3 5		3 2		: 5		•	
Ungraded	•		9		00		-	
Total. appropriated positions	6693	\$30,817	688	\$31,676	918	34,592	52	2,916
Pay above stated annual rates	:	227	:	:	:		:	:
Lapses (-)	-456	(868'91)	(88)	2	(53)	(1,161)	59	1,959
Net savings due to lower pay scales.	:	(195)	:	(306)	፧	:	:	306
1	437	814.984	808	\$28.250	202	3	738	18.58
	i		•				•	
Other than permanent:								
Part-time permanent	**	206		23	~	39	:	=
Temporary employment	22	905	•	250	•	250	:	:
Other part-time and intermittent	:		:	:	:	:	:	:
Other personnel compensation:					,			
Overtime	S	187	•	182		182	:	:
Other compensation	:	:	:	420	:	4 20	:	:
Special personal services payments	:	2	፧	88	:	35	:	:
Total, workyears and personnel				•	: : : : : : : : : : : : : : : : : : :	•		
compensation	469	\$16,324	816	\$23,228	006	834,420	3	\$5,192
Average ES Salary		\$70,980		\$75,280		875,280		
Average GS/GM Salary		\$32,547		\$33,743		\$29,858		
Average Ungraded Salary		\$55,548		\$57,825		\$57,825		
Average G9/GM Grade		8.8		10.3		10.3		

Legal Activities
United States Trustee System Fund
Sussary of Requirements by Grade and Object Class

Presitions A Meautt WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's Amount WT's WT's WT's Amount		1988 Actual	1989 Satimate	1990 Estimate	Increase/Decrease	ž
1, 11	Object Class	Positions & MY's Asount	Positions & WY's Amount	Positions & WY's Amount	Positions & WY's Amou	ş
469 16,324 816 29,328 905 34,420 89 5, 1,158 6,554 6,88 1,995 1,415 1,415 2,625 2,981 1,445 1,452 2,982 1,180 4,311 6,992 1,128 8,917 (8,817) (8,817) 1,450 816 55,305 905 63,659 1,4403 (5,697) (6,297) (6,297) 1,4403 (5,697) (6,297) (6,278) 1,4403 (5,697) (6,278) 1,4403 (5,697) (6,278) 1,4403 (5,697) (6,278)	11.1 Full-time permanent. 11.3 Other than full-time permanent 11.8 Sheerial personal services pawents.	1		5 33,4		<u>=</u> = : :
3,158 5,554 6,347 61 6,565 1,415 1,476 2,655 1,647 1,1 2,655 2,981 3,183 1,41 6,902 1,180 1,41 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,902 1,180 4,311 6,903 1,180 4,311 6,903 1,180 4,311 6,903 1,180 4,310 (8,817) (8,817) 4,370 41,370 62,777 41,370 41,370 62,777 41,370 41,370 62,777 41,370 41,403 6,697 65,697 (6,278)		- 1	-			15
1,995		3,158	5,554	6,347		5
1,995 1,415 1,476		. 61	63	39		
3,566 3366 394 1,1 2,632 2,991 3,183 2,141 2,833 7,276 2,141 2,833 7,276 2,141 6,902 1,180 2,141 6,902 1,180 2,141 6,902 1,180 2,141 6,902 1,180 2,141 6,902 1,180 2,181 (8,817) (8,82) 2,191 (4,403) (6,879) (6,278) 2,11 (14,403) (6,879) (6,278) 2,11 (2,027) (2,697) (6,278) 2,11 (2,027) (2,697) (6,278)		1,995	1,415	1,476		
3,180 6,185 7,647 1, 2,625 2,981 3,183 141 6,902 7,183 1,452 1,017 1,180 4,311 9,207 1816 55,305 905 63,659 8, 8,817 482 1,238 8,817 482 1,238 8,817 482 1,238 8,817 482 1,238 8,817 4,370 41,370 82,777 11,403 15,591 (6,278) 12,180 1,180 1,180 1,238 1,180 1,180 1,238 1,180 1,180 1,238 1,180 1,180 1,430 1,403 1,370 82,777 1,44(403) 1,56,897 (6,278) 1,56,897 (6,278) 1,280 1,307 1,403 1,56,897 1,308 1,307 1,300 82,777		999	366	394		•
2,625 2,981 3,183 143 141 6,902 1,405 1,405 1,405 1,100 1,10		3,780	6,565	7,647	ä	ş
6.974 6.902 7.005 1.452 1.017 1.180 4.311 9.26 1.5390 4.311 8.817 (8.817) (8.82) 6.307 (4.817) (8.82) 6.307 (4.403) (5.697) (6.278) 6.554 64.011 63.078	Coto Commente de la contraction de margo.	2,625	2.981	3,183		3
1,452 1,017 1,1480 4,311 926 1,238 926 1,238 4,311 926 816 55,305 905 63,659 89 8, 6,312 8,817 8821 (8821) 6,3177 47,370 47,370 62,777 1,4403 (5,697) (6,278) 1,238 89 8, 1,238 89 89 89 89 89 89 89 89 89 89 89 89 89	24 Printing & reproduction	1	263	276		_
469 41,650 816 55,305 905 63,659 89 8, (3,097) (8,817) (882) (4,310 41,50 816 55,305 905 63,659 89 8, (4,370 41,370 62,777 (4,403) (5,697) (6,278) (5,697) (6,278) (6,278) (6,278)	25 Other services	6,974	6,902	1,405		ಶ
4,311 926 1,538 1,238 1,238 1,430 1,430 1,430 1,430 1,4403 1,4403 1,4403 1,4403 1,538 1,	26 Supplies and materials	1,452	1,017	1,180		2
469 41,650 816 55,305 905 63,659 89 Fr 8,817 882 47,370 47,370 62,777 14,403 (5,697) (6,279) 15,554 64,011 63,078	31 Equipment	4,311	97.6	1,238		3
687 (3,097) (8,817) 882 62 62 647,370 62 63 64,403 6554 64,011 63	Total obligations	1	1	ł		18
9,307 14,403 (1,403 (1,697) (5,697) (5,697) (1,697) (2,11) (2,11)	Relation of obligations to outlays: Unobligated balance, start-of-year Unobligated balance, end-of-year	(3,097) 8,817	(8,817) 882	(887)		
9,307 14,403 (5,697) (14,403 (5,697) (Total reconstructs	47 200	47 420	K9 777		
36,554 64,011	Relation of obligations to outlays: Ubligated balance, start-of-year	9,307	14,403	5.687		
36,554 64,011	Obligated balance, end-of-year	(14,403)	(5,697)	(6,278)		
21	Outlays	36,554	64,011	63,078		
			21			

Ingal Activities

United States Trustee System Pund Consulting and Related Services (Dollars in Thousands)

1988 1989 Actual Entimate	\$ 15 \$ 25	2,754	0	\$2,146 \$2,779
	Consulting Services	Management and Professional Services	Special Studies and Analysis	Total

Consulting and related services are required to provide those services beyond the scope of skills available within the U.S. Trustee program. It is seemed more over effective to contract for these services than to hits the parament shalf required to perform than tho house. The Monogenent and Professional Services settantes exclude estimated program trainforments for intra-government services (i.e., sault, personne), procurement).

Batimates in the second category, management and professional services, are for instances when it is more cost effective to contract for services than to hite permanent staff. These agacialists have assisted the program with computer programming, specialized accounting services, procurement, personnel, fiscal services, graphics, training and technical systems development. The large increase in 1988 and 1989 reflects the expansion of the automated case management system and the development of a more compreheable demonstration electronic system for use by the program, the bankruptcy courts and the general public. The increases also include expansion of the successful sudit activities of the Numsperent Division. In the first category of estimates above, consulting services involve assistance to the Director of the Executive Office for U.S. Trustees in areas beyond the expertise of the permanent staff. Areas of expertise include the organization of the program, and the development of program policies, conferences and training programs.

Finally, special studios and analysis are required for orgoing evaluations of the automated systems. Through these evaluations, productivity and performance can be improved to hold down expenses over the life of the case management systems.

SUMMARY STATEMENT

Mr. Early. The committee is pleased to welcome back the Director, Mr. Thomas Stanton.

You may proceed with your statement. Mr. Stanton. Thank you, Mr. Chairman. It is good to be back. I think, first of all, I would like to report to the committee that we have completed the expansion to 86 offices. We have now seen the nationwide implementation of the program largely completed at this point.

I would like to thank you and the other members of the committee for your support over the years. We would not be in the position we are in now if it had not been for the support of this com-

mittee.

The good news is that 1989 is the first year we have not had to ask for money from the general receipts of the Treasury. Our 1989 funding comes from the U.S. Trustee System Fund from two sources: the current year appropriation of \$47 million and a \$9 million carryover from the 1988 appropriation.

You may recall this appropriation is also no-year money. To the extent we do not exhaust the appropriation, we can carry it for-

ward.

1988 FUND SURPLUS

The reason we had a 1988 surplus was that there was some question about whether the second year of the expansion would be funded, because of the difficulty in reaching the targets for the program's expansion. There was some thought that the second year of expansion might be postponed. We did not have the money available to begin the second year of the expansion until we got the appropriate the second year of the expansion until we got the appropriate the second year of the expansion until we got the appropriate the second year. propriation. We didn't think it made much sense to try to begin it, and then cut it back. So we lapsed the first quarter of the expansion, and that money became the \$9 million surplus that is getting us through this year.

REQUESTED ENHANCEMENT FOR FIVE ADDITIONAL OFFICES

As we go into 1990, we are not going to have a surplus coming out of this year because all our positions-well, all our positions are largely filled, and our offices are staffed. We are looking to fund the positions that were allotted us and to provide a small increase for five offices that we did not anticipate we would have to open. They are in Macon, Georgia; Tallahassee and Jacksonville, Florida; Rockville, Maryland; and Wheeling, West Virginia. In each of those locations, we thought a neighboring office, such as Tampa to Jacksonville, could cover the caseload, so we did plan to not open an office. We thought we could cover the Rockville cases out of Baltimore, but this did not prove feasible. The traveling time from Charleston to Wheeling, West Virginia, was three and a half hours each way; you could not travel this distance in the winter.

In Jacksonville, the caseload exploded just as the caseload in all

of Florida has. The caseload in Rockville was almost as large as the caseload in Baltimore, and our people in Baltimore were spending all of their time in Rockville, and we ended up with two weak offices rather than the effective offices we had planned to put there. As you know from the other testimony you received over the years from the Judiciary, there are bankruptcy judges in 155 locations across the country. There are a number of locations where there is no U.S. Trustee office. In some locations it makes sense not to be there, but in these five we found it important to have a presence.

We are asking for this enhancement over our original plan, which is implemented at this point.

ELECTRONIC CASE MANAGEMENT SYSTEM

You discussed our automation efforts earlier. We are under way with two separate automation programs. Our budget request calls for development of a demonstration Electronic Case Management System, which was required in the legislation that provided for the expansion of the U.S. Trustees. This was designed hopefully so that all the people who deal with bankruptcy would have a single, automated database to work from; not only the U.S. Trustees, but also the Bar and the creditor groups would have a single source.

The legislation asked us to attempt to establish such a system in three locations. We are establishing systems in New Jersey, California and Kansas. In addition, there is money to continue to support our existing system, which was just completed this year; this

system automates all our offices.

There are more than 600,000 bankruptcy cases filed each year. In fact, I have some statistics. The caseload across the country continues to increase except Chapter 11's, which are decreasing for the first time. Since the first year was fiscal year 1980, these graphs show the whole period of the Reform Act. You can see what has happened with bankruptcy filings. The first graph shows that they have doubled since 1980.

Surprisingly, they have not started to come down in any chapter, except for the reduction in Chapter 11. We thought it was the result of the fact that Chapter 12 was created for the farmer bankruptcies, but materially this year, in real terms, there is a reduction in Chapter 11 filings. However, in no other chapter has the filing rate dropped.

Where I was going with the automation is that this is a huge amount of paper that must be sorted and understood. From our point of view, we must make sure everybody who operates in this

system is doing what they should with this paper.

[The prepared statement of Thomas J. Stanton follows:]

DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

STATEMENT OF THE DIRECTOR AND COUNSEL THOMAS J. STANTON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you today to discuss the 1990 appropriation request for the United States

Trustees. We are requesting a total of 918 positions, 895 full-time equivalent workyears and \$62,777,000. This request provides full year resources in 1990 to fund positions and offices that were opened during 1988 and 1989 as part of the nationwide expansion. I would emphasize that this request is for an appropriation of monies that were deposited in the United States Trustee System Fund from bankruptcy cases, and therefore, it does not result in a cost to the taxpayers. Quite the contrary, the successful operation of this program continues to yield improvements in the administration of the bankruptcy laws, benefitting both creditors and taxpayers.

I am pleased to report that the expansion of the U.S. Trustee program is now complete, and that we have met all the deadlines and requirements imposed by the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986. The program to date has met the challenge of fiscal self-sufficiency through the fee structure

established within the Act and has required no support from the general revenues of the Federal Government.

All 21 U.S. Trustee Regions had been certified by the Attorney General and were fully operational by the statutory deadline of November 23, 1988. We opened 44 new offices in 1988, and, when added to the 42 offices in operation at the end of 1987, there are now offices in 86 cities. The U.S. Trustee program is in place in 88 of the Nation's 94 Federal judicial districts. As you know, the Act excluded the three judicial districts for the State of Alabama and the three judicial districts for the State of Alabama from the program until 1992, unless the judges of those districts choose to become part of the program at an earlier date.

The largest part of our request this year is a mandatory increase to annualize the costs of offices that are now open. The 1989 Appropriation Act provided \$47,370,000 from the U.S. Trustee System Fund for the program. In addition, carryover balances of approximately \$9 million are available to fund this year's anticipated expenses. This carryover funding is available in 1989 because of a delay in the expansion schedule in 1988. However, full funding for 1990 will be absolutely essential because, with the expansion complete, we do not expect there will be carryover funding available at the end of the 1989.

OME has approved a program enhancement of 25 positions and.

\$953,000 to provide for offices in five cities that were not included

in the original expansion plan. These funds are also from user fees now on deposit in the Fund and will not be from general revenues. These needed offices are located in Macon, GA; Tallahassee and Jacksonville, FL; Rockville, MD; and Wheeling, WV(1) We were able to open and operate these offices during 1988 and 1989 with savings that were generated from the delayed opening of offices in the original plan.

Let me explain, briefly, the dynamics involved in the opening of these additional offices. Bankruptcy judges are located in some 155 cities nationwide. The authorization and funding for the U.S. Trustees program did not allow for the establishment of offices in that many cities, and frankly, it would be a waste of resources to have a staffed office in each of these locations. However, in some areas, geography and caseload volume create conditions that require the placement of additional offices. Such is the case with the five offices in our request.

For example, the Rockville office has 50 percent of the caseload for the state of Maryland. We found that with this caseload level, our employees were in Rockville virtually every day of the week. Considering the cost of travel and hearing room rentals, it made good sense to place an office there. In the Atlanta region, personnel from the Atlanta, Savannah and Tampa offices were spending an inordinate amount of time on the road covering the caseload in Macon, Tallahassee and Jacksonville. The Wheeling office was made necessary by both its substantial caseload and the difficult travel, particularly in the

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winter, between Charleston and Wheeling, which takes three hours or more by car each way. In sum, we believe that through the opening of these offices we will improve the efficiency of our operation and provide better service to the public in the districts involved.

Our budget request includes funding for the development of a Demonstration electronic case management system pursuant to Section 310 of the expansion legislation. The system is to be demonstrated in the Districts of New Jersey, Kansas, and Central California.

The project was divided into three phases. In June 1988, Arthur Young and Co. completed phase 1, the systems design and cost estimating phase. The solicitation for bids for phase 2 of the project has been issued, and the bidding process is underway. The contract for phase 2 should be awarded this Spring for the design, development, and testing of the software and providing detailed hardware configurations. Phase 3, the actual operation of the system, is anticipated to commence by September 1990.

Ultimately, the project will demonstrate a system to serve the combined bankruptcy case management and information needs of the U.S. Trustees, bankruptcy judges, clerks of the court, and other government entities, as well as the trustees appointed in bankruptcy cases, the bar, creditors, and the general public.

The 1990 request also includes resources to operate our existing Automated Case Management System (ACMS). This is the first nationwide automated bankruptcy case management system, and it is now installed in all of our 21 regions. It enables our offices to monitor the more than 600,000 bankruptcy cases filed each year. The system is decentralized, with identical software running on separate minicomputers in each of our major field offices. The smaller offices are tied to these by communications lines.

ACMS has the capability to track cases and trustees. It helps monitor attorney fees, does wordprocessing and financial analyses, generates letters and pleadings, ages cases, helps us lock for problems, and maintains caseload and fee statistics. It can also communicate with the Justice Data Center.

The Administrative Office of the U.S. Courts (AOUSC) has three separate systems in operation in the bankruptcy courts. We are developing, at our expense and with their help, software to permit the full compatibility of each of these systems with ACMS. We have already achieved compatibility with one system, and we are now able to convert the AOUSC data into data our ACMS system can use with minimal data entry effort on our part.

Our program of audits of trustees and debtors-in-possession continues to detect financial irregularities and instances of potential bankruptcy related crime. The request before you includes, as in previous years, funding to continue the successful efforts of our outside auditors and the Justice Management Division's Audit Staff. These audits are a critical aspect of our program, and the

cost to prepare true audits of the financial records of panel trustees, standing trustees, and debtors-in-possession is reflected in cur estimates. The audit program underscores our commitment to hold those who are entrusted with bankrupt estate funds to the highest standards, and we have not hesitated to proceed with the investigation and prosecution of trustees under our supervision when they attempt to convert estate funds to personal use.

For the future of the program, our most important long range goal is to continue to strengthen the integrity of the nation's bankruptcy system, a system with a past plagued by administrative problems, and in some areas, corruption. We are continuing to work closely with the Criminal Division and the Bureau to develop greater recognition of the need to address the white-collar crimes that occur in bankruptcy. To improve the integrity of the Federal bankruptcy system, we need to enforce more strictly the existing laws prohibiting these offenses.

Under an agreement with the U.S. Attorneys, we are funding a Special Assistant U.S. Attorney position in the Los Angeles. The duties of this Assistant are devoted solely to prosecuting bankruptcy fraud cases. The Los Angeles office was chosen because it has the highest bankruptcy caseload in the country. I am happy to report that this endeavor has met with substantial success, and a similar position is being approved for the Southern District of New York.

As we move into 1990 and beyond, we will be looking for ways in which bankruptcy administration can be improved and strengthened to ensure the fair and impartial application of bankruptcy statutes nationwide.

This concludes my prepared statement, Mr. Chairman. I will be pleased to answer any questions you or any member of the Subcommittee may have.

ATTORNEYS' FEES

Mr. EARLY. When the system started, we were supposed to address the issue of fees for attorneys. I find that with the Trustee program we are paying the attorneys as much as any of the others; to me, it is being abused.

Can you comment on that?

Mr. STANTON. We do not award the fees.

A good example, in your area is the large utility in New Hampshire, and the U.S. Trustee is probably alone in fighting those in-

Mr. EARLY. The trustee that you appoint, doesn't he send a bill?
Mr. STANTON. He goes to the Court for final approval or disapproval of the fees. We can comment on them, but we try to keep

The New York lawyers have come into New Hampshire asking for New York rates, sometimes as high as \$400 an hour. The trustee has tried to keep those lower. The attorneys tend to support each other's fees.

Mr. EARLY. They sure do. Please provide the fees.

Mr. Stanton. The attorney operating in Chapter 11 or Chapter

Mr. EARLY. Both. [The information follows:]

ATTORNEY FEE APPLICATIONS AND PROPOSED WITHHOLDING IN PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE BANKRUPTCY CASE

In the Public Service Company of New Hampshire bankruptcy case, the U.S. Trustee has objected to the fees requested, and the court has issued orders sustaining certain objections and withholding 25 percent of interim fee applications until conclusion of the case. The following table shows the firms involved and the total fees billed for the first five months of the case.

FIRM	Period covered	Bill total	Amount to be withheld	Payments thru 6/30/88
Cahill, Gordon & Reindel	1/28-6/30	\$489,131	\$105,998	\$313,338
Ropes & Gray		537.673	113,690	
Stutman, Treister & Glatt	2/19-6/30	863.861	195,610	424,351
Sulloway, Hollis & Soden	1/28-6/30	266,567	57.834	197,960
Bruder & Gentile		1.389	294	406
Doub Muntzing & Glasgow		67,754	0	0
Gallagher, Callahan & Gartrell		18.821	3,755	0
Sheehan, Phinney & Bass	1/29-5/31	108,746	0	Ċ
Sklar, Debbie-Ann R.	1/29-6/30	749	187	563
Tourtelotte, Ross and Gray		431.119	35,625	0
Troubman, Sanders, Lockerman & Ashmore		73,260	5.921	Ó
Deasy & Dwyer		68,944	16,240	45,095
Kramer, Levin, Nessen, Kamin & Frankel		912,346	195,864	554,752
Whitman & Ransom		311,488	68,749	133,333
Total		4,151,849	799,765	1,669,798

THE STAFFING OF TRUSTEE OFFICES

Mr. Early. I think we defeat our purpose in this as far as what we were originally trying to do. I see less monies going to the creditors than when the program first started. You say you've opened 72

Mr. Stanton. Yes; in addition to the 14 pilot offices.

Mr. EARLY. Is that the total number you anticipate, other than these five you just mentioned?

Mr. Stanton. No, we anticipate six more.
Mr. Early. I don't know why we have—you talk about Rockville and Baltimore. If you've got one office open, isn't the bankruptcy filing submitted to his office. Doesn't he just appoint a trustee for

Mr. Stanton. The U.S. Trustee himself will have a staff of lawyers and accountants who read these files, make motions, go to court. That was the problem in Rockville. The people were in court in Rockville as much as they were in court in Baltimore, yet they were all having to travel before they went to court in Rockville from Baltimore, and then they would have to travel back, and you lose a lot of lawyer time back and forth. Our staff resources are, we felt, much better utilized with these offices split. There was no way to properly staff either one of them with the staff assigned to the Baltimore office.

Mr. EARLY. Couldn't you have one that lived near that particular

office that just oversees the situation?

Mr. Stanton. Down in Richmond, we have a lawyer who actually resides between Richmond and Norfolk and the effort there is to prevent the problem of having to open an office in Richmond. We never have because we have been able to use that lawyer's and the caseload has been small enough to make it possible.

Mr. EARLY. When you open one of those offices, they are not satisfied to have one lawyer there, they want their own staff, their own secretaries. What are we trying to do, spend all the money we

are collecting?

Mr. STANTON. I hope not.

Mr. EARLY. I hope not too. Mr. Stanton. The staffing in Rockville is one lawyer, one cleri-

cal person and one accountant.

The Wheeling office is just two people. The Tallahassee office is two people. The Jacksonville office is a different matter. That office will probably have four or five people. Some of these offices were opened in anticipation that they would be funded, because we were able to do it in the first year of the expansion; but if the committee finds that they are not necessary, we can close them.

Mr. Early. Better we don't open them if we have to find out we

don't need them?

Mr. STANTON. We had not opened them and found we could not operate the program effectively without them. That was the problem. We had no office in Wheeling, we had no office in Rockville, we had no office in Tallahassee.

VACANT POSITIONS

Mr. EARLY. We had no offices in the 72 that just opened. By the close of fiscal year 1989, what will the total number of permanent

Mr. Stanton. By the close of the fiscal year, 893.

Mr. Early. How many vacancies will you have?

Mr. Stanton. I would think we will probably have 15 to 20 positions that would be vacant.

Mr. EARLY. That wouldn't be too bad, as long as you move and fill them. Has the situation in areas like Los Angeles improved?

Mr. Stanton. Yes.

Mr. Early. Are we having trouble getting competent trustees—Mr. Stanton. We have a competent trustee out there. The office has just completely turned around.

Mr. Early. What do we pay the trustee out there?

Mr. Stanton. The same thing we pay them all, about \$76,000. Mr. EARLY. I don't know how we do that. You tell me you needbecause of the living expense—how can we get a competent person-

Mr. Stanton. In Los Angeles, as you know, we tried for almost three years to get somebody competent out there for that price. We got an attorney 62 years old and wanted to do something new. He was of means, so the pay was not of importance to him, it was the

challenge. He has done a wonderful job.

But it was very difficult to find someone to take that job, as it is in some of the other places, like New York City, and Boston, where the cost of living is so high that it frequently reduces the quality of the person you ultimately get. Just like the smaller U.S. Attorneys Offices, you are able to get people at a more competitive salary in smaller areas than you can in the larger areas.

CARRY FORWARD

Mr. Early. You say in your statement if the program is under-

funded in 1990, you may have to close field offices.

Mr. STANTON. Yes. The 1989 new funding was \$47 million, that was all that was appropriated. We were allowed to use the carryforward funds, without which these would be about an 18 or 19 percent cut over what actually is out there.

Mr. Early. What was it the previous year?
Mr. Stanton. In 1988, it was \$18 million from the U.S. Trustees system fund plus—about \$29 million from general revenues.

Mr. EARLY. That year you had funds left. Mr. Stanton. Yes in 1988 we had funds left.

Mr. Early. So you had funds left?

Mr. Stanton. Right. But, we were expanding. We came out of a

\$10 million budget.

Mr. EARLY. In that particular year, you were talking about expanding, but that was the money you needed to do what you had to do. Now you have \$47 million in 1989, how much was carried forward from 1988?

Mr. STANTON. Nine million dollars.

Mr. EARLY. What did you conclude 1989 with?

Mr. Stanton. We haven't concluded. We will have spent \$56 mil-

Mr. EARLY. What do you anticipate?

Mr. Stanton. No surplus at all.

Mr. EARLY. What was the amount of money provided in fees? Mr. Stanton. About \$44 million in 1988, something like that.

Mr. Early. Did you spend the whole \$44 million?
Mr. Stanton. No, we brought money forward in 1987 and 1988.
The total was about \$67 million. You authorized us to take \$18 million out in 1988 and \$47 million out in 1989. So there is money in the fund—in 1990, there will be surplus above the \$62 million. The unappropriated balance will be about \$48 million.

Mr. EARLY. For the record, provide a general description of the current filing fees for Chapter 11—for all fees which account for

the trust fund.

[The information follows:]

U.S. TRUSTER SYSTEM FUND FEES

The U.S. Trustee System Fund was established to receive certain fees from bankruptcy cases and other deposits to provide a source of revenue for the nationwide United States Trustee program. It was established so that fees from bankruptcy cases and other deposits to the Fund would be sufficient to pay the entire program cost. The Fund receives fees from the following sources:

(1) a specified portion of each bankruptcy case filing fee;
(2) a quarterly fee assessed in each chapter 11 case until a plan of reorganization is confirmed; or the case is dismissed or converted to another chapter;
(3) payment of excess percentage fees collected by chapter 12 or chapter 13 stand-

(a) interest on invested funds pursuant to Section 589a(c)(1).

These revenue streams were initiated during FY 1987, but applicability of chapter 11 quarterly fees has occurred only as the various U.S. Trustee regions have been certified by the Attorney General. Pursuant to the phase-in provisions of the Act, quarterly fees will apply to all chapter 11 cases supervised by the U.S. Trustees by early in FY 1990.

Mr. EARLY. So we allow you to take \$47 million out of that. So

Mr. Early. So we allow you to take \$47 million out of that. So there is how much left? Did that money go to the general fund? Mr. Stanton. No, it hasn't. Next year it goes to the general fund. There is a rule that after the closing of this fiscal year, anything above 110 percent of what is needed under the appropriations will pour over into the Treasury. In other words, it will go into the general receipts. The fund will not be allowed to accumulate surpluses beyond 110 percent.

Mr. Early. Do you have an estimate of what the trustee fund proceeds will be on September 30, 1989?

Mr. Stanton. The cash balance in the fund is about \$71 million.

Mr. STANTON. The cash balance in the fund is about \$71 million right now, but the unappropriated balance at the end of the year will be only about \$56 million.

Mr. Early. Is that where you expect it to be September 30 of this

Mr. Stanton. Yes, because we are at the point now where we are consuming about what we are actually intaking, so I would imagine it would not be much different. We are collecting money at the same time we are spending money, and now because the full program is in place, we are probably spending and intaking about the

Mr. Early. What is the net balance on September 30, 1989? Pro-

and the second of the second o

vide that for the record. Mr. Stanton. Okay

[The information follows:]

Projected Deposits and Balances in the U.S. Trustee System Fund-Fiscal	Year 1989
[In thousands of dollars]	Amount
Adjusted unappropriated balance, September 30, 1989 Estimated Collections and Deposits:	¹ \$ 51,917
1. Case filing fees	22,000
2. Chapter 11 quarterly fees	25,748
3. Excess percentage fees from standing trustees	675
4. Investment income	3,768
Total deposits	² 52,192
Amount available for appropriation in fiscal year 1989	104,109 -47,870
Unappropriated balance, October 1, 1989	56,739
¹ The budget schedules understated the balance at the beginning of 1989 by \$3,25 terest income and \$1,940,000 in an accounting cycle adjustment to the balance at the of fiscal year 1988.	9,000 in in- e beginning

² The estimate of collections and deposits for 1989 is current as of February 28, 1989, and exceeds the amount shown in the budget schedules by \$577,000.

TRUSTEE FEES

Mr. Early. Also provide for the record a list of the highest paid trustees in the country.
Mr. Stanton. Private trustees?

Mr. Early. No, trustees that you appointed as far as what their fees were—it should be an easy thing to do.

Mr. Stanton. It might take a little longer than normal, but we

can do it.

[The information follows:]

TRUSTEE FEES IN TEN OF THE LARGEST CASES IN U.S. TRUSTEE REGIONS

A survey of the United States Trustee regions produced the following list of ten of the largest cases under the jurisdiction of the U.S. Trustee in each region and the fees awarded in those cases.

TYPE OF CASE	REGION	DISTRICT	CASE NAME	TRUSTEE	FEE AWARDED
11	1	Maine	Paris Industries, Inc.	Stephen Gray	\$122,295
7	1	Mass.	Dennis J. Bailey, etc.	Harry Murphy	84,257
7	1	Mass.	Lipman Bros.	Christopher Parker	67,753
7	1	Mass.	Stalinco, Ltd.	Robert Cataldo	55,902
7	1	Maine	Medomak Canning	Dennis Bezanson	40,000
7	1	Mass.	Eastern States Property	William Gabovitch	33,350
7	1	Mass.	Butler and Almond	Joseph Collins	32,000
7	1	Mass.	Professional Career	Sydney Parlow	30,000
7	1	Mass.	Harry Pappas	Richard Salem	20,046
7	1	Mass.	Hemingway Transport	Herbert Kahn	20,000
11	2	SD-NY	Finley, Kumble, Wagner, etc.	Francis H. Musselman	660,000
7	2	SD-NY	Argo Communications Corp.	John Pereira	343,121
11	2	SD-NY	Sasson Jeans	Bert K. Bergenfeld	339,516
11	2	SD-NY	Cuyahoga Equipment Corp.	Chester Salomon	140,440
7	2	SD-NY	Meritum Corp.	Eliot H. Lumbard	62,783
11	2	ND-NY	Aylesburg Inn, Inc.	William M. McCarthy	60,285
11	2	WD-NY	Pero Parms	Roger E. Plye	47,885
7	2	SD-NY	National Sugar Refining	Jeffrey Rich	37,382
7	2	SD-NY	Outlet Department Stores	Miriam Teitelbaum	27,887
. 11	2	SD-NY	Davidson & Sons Jewelry Co.	Roy Babitt	25,198
11	3	NJ	Asset Mgt. Corp.	Saul Cohen	1,300,000
7	3	NJ	Kennedy Mortgage Co.	Robert Larson	319,000
11	3	NJ	Nashus Trust	Jack Birnberg	270,470
7	3	NJ	Oliver's Stores	Carmen Maggio	149,000
11	3	NJ	Mayfair Land Corp.	Joseph DiPasquale	140,000
7	3	NJ	Shenandoah Village, Inc.	James Cain	91,848
7	3	NJ	Pennbrook Partners	David Michaels	56,000
7	3	WD Pa.	Downtown Racquet Club	Carlotta Bohm	52,815
11/7	3	NJ	Lynn & Caroline Geddes	Sanford Feld	48,000
7	3	NJ	Cadillac Cable	Alan Seltzer	30,000

TYPE OF CASE	REGION	DISTRICT	CASE NAME	TRUSTEE	FEE AWARDED
11	4	ED Va.	Lanbank Equity Corp.	Lawrence Levy	275,000
11	4	S.C.	Hilton Head	John Curry/R.G. Levy	234,000
11	4	s.c.	Heritage Village Church	D.W.Clark/M.C.Benten	190,000
11	4	s.c.	American Resort Mgt., Inc.	James T. Ward	80,285
11	4	S.C.	Plantation Gates	R. Geoffrey Levy	65,735
11	4	D.C.	District Group Comm. Inc.	Barry Skidelsky	48,761
11	4	ED Va.	Holly Enterprises	John Guinee, Jr.	39,219
11	4	Md.	Obies, et. al.	John Denick	38,000
7	4	s.c.	William T. Thompson	L. Winston Lee	36,252
11	4	Md.	Government Financial Services	Lawrence Levy	35,000
11	5	SD Miss.	Mid-Continent Systems, Inc.	Thomas Tann Jr.	77,432
7	5	WD La.	Patsy A.M. Kennedy	Gene Howard	7,148
7	5	SD Miss.	Alice Walkinshaw	Thomas Anderson	5,446
7	5	WD La.	Sail Fin Marine, Inc.	Hugh Thistlethwaite	3,891
11	5	SD Miss.	Mid-Continent Fin.Corp. of Ark.	Thomas Tann, Jr.	3,087
7	5	WD La.	Mark Blaine Granger	Lois Holland	2,349
7	5	WD La.		Lois Holland	2,120
7	5		John and Tammy Camarato	Alex Gates	2.024
7		SD Miss.	Rodney M. Burkley	John R. Kingsafer	1,724
7	5	WD La.	Shreveport Distributors, Inc.	Gene Howard	1,416
11	6	ND Texas	Lundberg Industries, Ltd.	David Elmquist	400,000
7	6	ND Texas	Ron Cohen	Dale Wooten	189,607
11	6	ND Texas	Missionary Baptist Found.	Robert Wilson	158,890
11	6	ND Texas	SPW Corporation	Dale McCullough	151,245
11	6	ND Texas	Mid-America Petroleum, Inc.	Walter Kellogg	120,000
11	6	ND Texas	CRC Wireline	Myrtle McDonald	90,000
7	6	ND Tex.	Espana Investors	Dale Wooten	45,253
7	6	ND Tex.	Zider Resources	Don Rector	43,935
7	6	ND Tex.	Bloch-Viola	Robert Yaquinto, Jr.	40,000
7	6	ND Tex.	Dallas Cap and Emblem	Don Navarro	37,585
11	7	WD Tex.	15th St. Building	Jim Howard	84,000
11	7	WD Tex.	Consumers Commissary	Leroy Fournier	75,000
11	7	WD Tex.	Alamo Trucking	Leroy Fournier	72,000
11	7	WD Tex.	North American Oil	Robert Moffitt	50,000
7	7	WD Tex.	Tex Net, Inc.	Charles Deason	19,000
7	7	SD Tex.	Surety Title	Kenneth Klotz	10,563
7	7	SD Tex.	Clarence Edner	Robbye Waldron	4,989
7	.7	SD Tex.	Oil Sales International	Robbye Waldron	1,869
7	7	SD Tex.	Bill E. Henry	Bill Heitkamp	885
7	7	SD Tex.	Hay Meas	David Askanase	611

TYPE						
OF				CASE		FEE
CASE	REGION	DIS	TRICT	NAME	TRUSTEE	AWARDED
7	8	ED	Tenn.	C. H. Butcher	James R. Martin	77,100
11	8	WD	Ky.	Diamond Caverns Plant. Resort	Mark Flener	44,739
11	8	MD	Tn.	Commonwealth Enterprises	Robt. H. Waldschmidt	32,564
11	8	MD	Tn.	Washington Mfg Co.	Timothy P. Finley	25,850
7	8	MD	Tn.	Cosmopolitan Pitness Centers	Robt. H. Waldschmidt	23,224
7	8	ED	Tu.	Avalon Cheese Co.	Thomas E. Ray	20,110
11	8	MD	Tn.	Teamworx New York, Inc.	Von A. Harshman	16,043
7	8		Ky.	Owen M. Isaac	Stephen Reisz	14,020
7	8	ED	Ky.	Owen M. Isaac KenLick and Tip Top Coal	John T. Hamilton	12,874
	8	MD	Tn.	A.G. O'Neal	L. Bruce Peden	11,433
7	9	ED	Mich	Delorean Motor Co.	David Allard	153,931
11	9		Mich	Fred Sanders, Inc.	Jay Alix	150,000
11	9		Mich	Nutrax, Inc.	James McTevia	115,235
11	9		Mich		Charles Collins	85,000
11	9		Ohio	Wilkins	Bowen	65,000
7	9		Mich	Diamond Hortgage	Neal Sutherland	60,000
7	9		Mich	William Ferrel, Inc.	Neal Sutherland Charles Taunt	58,000
11	9		Ohio	Wm. Smith Construction	Frutig	48,000
7	9		Mich.	Utis & Edwards, P.C.	Robert Webster	38,000
7	9	ED	Mich.	Franklin D. Reams	Michael Reinhart	37,076
7	10	SD	Ind.	Continental Steel	Wayne Etter	453,350
11	10	SD	Ind.	Financial Investment	Wayne Etter	50,000
11	10	SD	Ind.	Commercial Motor Freight	James L. Tuohy	22,127
7	10	SD	Ind.	Spears	James L. Tuohy	17,128
11	10	SD	Ind.	Richmond Combined	James E. Carter	13,310
11	10	SD	Ind.	Litho Industries	James L. Tuohy	11,351
11	10	SD	Ind.	Eastwind Village	Neil Shook	6,638
7	10	SD	Ind.	Markstone	William J. Tucker	5,911
7	10	SD	Ind.	Lewis	Thomas Carroll	3,834
7	10	SD	Ind.	Leather Seatery	Neil Shook	2,010
0	11		111.	Energy Cooperative, Inc.	Jay Steinberg	365,035
7	11		111.	Christ the King Nursing Ctr.	Allan R. Cohen	336,000
0	11		111.	Wayne J. Klein	Ilene Goldstein	333,364
0	11		111.	Northern Fin. Svcs., Inc.	Joseph D'Amico	224,728
0	11		111.	Wieboldt Stores, Inc.	Thomas Raleigh	158,753
11	11		111.	Armored Electronic Security	Ilene Goldstein	90,000
7	11		111.	First LaSalle Services, Inc.	James A. Chatz	72,658
11	11		111.	666 Associates	Glenn Hayman	59,943
7	11		111.	Coron, Inc.	Judson Todhunter	29,869
11	- 11	ND	111.	Santa Pe Trail Transp.	Nathan Yorka	7,963

	TYPE OF CASE	REGION	DISTRICT	CASE NAME	TRUSTEE	FEE AWARDED
	7	12	Minn.	Hancock Nelson	M. Iennacone	114,496
	7	12	Minn.	H. & J. Zoeller	B. Leonard	10,994
*5.	7	12	Minn.		M. Iannacone	9,742
	7	12	Minn.	Unico, Inc.	T. Miller	8,254
	7	12	Minn.	Stevenson Assoc.	T. Lovett	8,122
	7	12	Minn.		E. Bergquist	7,073
	7	12	N. Dak.	Dakota Lay'd Eggs	R. Nelson	6,895
	7	12	Minn.		M. Farrell	6,791
	7	12	Minn.		R. Nelson	6,025
	7	12	Minn.		R. Nelson	5,918
	11	13	ED Mo.	CMC Electronics	Arthur C. Unger	402,850
	7	13	ED Ark.	Case No. FA 87-224	1411 Tecower	0 120
	11	13	WD Mo.	George Kroh	David Achtenberg John V. LaBarge, Jr.	5,657
	7		ED No.	Myers	John V. LaBarge, Jr.	3,895
	7	13	WD Mo.	John P. Goulding	Arthur Federman	3,756
	7	13	WD Mo.	Howard Leon Dejager	Thomas Carlson	3,510
	7	13	ED Mo.	Van Praeg		
	7	13	ED Mo.	Thor-Doral	Stuart Radloff A. Thomas DeWoskin	2.837
	7	13	WD Mo.	Forslund Inc.	Paul Berman	2,783
	7	. 13	WD Mo.	Hillard & Leona Honson	Hugh Miner	2,566
	7	14	Arizona	Al Zuni	Jack Penick	72,767
	11	14	Arizona	Mark V	Stanley Swaine	72,000
	7	14	Ariz.	PF West	Les Von Eberstein	45,000
	11	14	Ariz.	Canyon Communications	Stanley Swaine	29,000
	7	14	Ariz.	Delight Dobbs	Bruce Bridegroom	13,723
	7	14	Ariz.	A.B. Decker	Stanley Swaine	13,434
	7	14	Ariz.	International Airport	Jack Penick	2,000
	7	14	Ariz.	United Sheet Metal	Alan Solot	9,343
	7	14	Ariz.	Hammer Enterprises	Stanley Fogler	7,509
	7	14	Ariz.	Cam Cornum	Claudia Pitrat	7,308
	7	15	Hawaii	Royal Hawaiian Heritage Co.	Robert Marceau	27,000
e "	7	15	Hawaii	Samuel & Judith Galante	Wyman Lai	13,250
	7	15	Hawaii	Richard & Hideko Ward	Wyman Lai	6,483
	7	15	Hawaii	Kim's Oriental Harket	Wyman Lai	5,896
	7	15	Hewaii	PKN Enterpriess	Wyman Lai	2,874
	7	15	SD Calif.		Steven Berkowitz	1,958
	7	15		Terry and Nancy Larson	Steven Berkowitz	1,847
	7	15	Hawaii	Pacific Game Fishing Unlimited		1,693
	7	15	Hawaii	Cafe 33 (Honolulu), Inc.	Edward Stanley	1,507
	7	15	SD Calif.	Marshal & Marshal		1,124

LABB					
OF		D.T.O.B.T.O.B.	CASE		PEE
GASE .	REGION	DISTRICT	NAME	TRUSTEE	AWARDED
11	16	CD Cal.	Knill Trust & Embassy Bar	Larry Diamant	200,000
11	16	CD Cal.	Newedge	David Davidson	189,240
11	16	CD Cal.	Helionetics, Inc.	Jeffrey Coyne	150,000
11	16	CD Cal.	Westworld Comm. Healthcare	James Joseph	118,543
11	16	CD Cal.	Anand, Amarjit S.	Leonard Gumport	112,650
11	16	CD Cal.	American Home Mortgage Corp.	Dennis Schmucker	100,499
.11	16	CD Cal.	United Form Corp.	Irving Sulmeyer	100,000
11	16	CD Cal.	Producers Sale Organization	David Gill	75,000
11	16	CD Calif.	Howard W. Meister	David Gill	1 50,000
11	16	CD Calif.	Kings Point Corp.	Curtis Danning	35,000
11	17	Nev.	United Resorts		
11	17			Tom Grimmett	155,000
11	17	Nev.	Lemons and Associates, Inc.	Leroy Bergstrom	96,195
11		Nev.	Indio Vista	William McNulty	62,050
11	17 17	ED Calif.	Jean & Madonna LaBorde	Clifford Bressler	61,560
11	17		George Jercich	Jerry Robertson	57,513
		ND Calif.		Frederick Wyley	46,146
7	17	ND Calif.	Gerald Barrick	John England	43,000
,	17	ND Calif.	Ray Totah	Edward Towers	35,402
11	17 17	ND Calif.	Forni	Edward Walsh	32,600
11	17	Nev.	Imperial Mortgage	Berkley Bunker	28,991
11	18	Oregon	Harris Pine Mills, Inc.	John Mitchell, Inc.	120,000
7	18	WD Wash.	Personal Health of Puget Sound	James Rigby	11,478
7	18	WD Wash.	Douglas J. Briggs	Leland Bull	7,055
7	18	Montana	Lang Parms, Inc.	James Patten	4,030
7	18	Oregon	Salem Metal Pabrications	George Gross	3,080
. 7	18	Montana	Northland Development, Inc.	John Bothe	2,564
7	18	WD Wash.	Dale Carrell	James Dudley	2,102
7	18	Oregon	William Howe	Donald Hartvig	1,980
7	18	Oregon	Donald Nelson	Donald Hartvig	1,471
7	18	Oregon	Garth Brodie	George Gros	1,088
11	19	Utah	Triad America Corp.	R. Todd Nielson	214,870
11	19	Utah	Carriage House Condos	W. Lamont Robison	76,793
*7	19	Colo.	J. W. Metz Co.	Paul Quinn	66,624
ıí	19	Utah	Granada, Inc.	Peter W. Billings	
11	19	Utah	Destination Development Corp.	Anna W. Drake	43,677 41,600
7	19	Utah	Summit Park Water Co.	Harriet Styler	23,366
11	19	Colo.	Laredo Corp.	Tom Connolly	
17	19	Colo.	Schlagel	Tom Connolly	20,435 17,228
,	19	Colo.	First Territorial Mortgage	John Gaudio	16,208
7	19	Colo.	White River	Bruce Berstein	11,894
•	.,	VV2V1	HILLU MATCE	DIACE DETREETH	11,074

TYPE OF CASE	REGION	DISTRICT	CASE NAME	TRUSTEE	FEE AWARDED
11	20	NM	Seven Bar Land & Cattle	Bill Sholer	137,538
7	20	WD Okla.	First Penn Corp.	Ken Spears	108,088
11	20	Kansas	Hudson Oil	Walter Kellogg	107,475
7	20	Kansas	Wallace & Joan McKinney	Ed Nazar	50,288
11	20	Kansas	Greystone South Partnership	Robert Fothergill	29,990
11	20	Kansas	Growth Prop. & Mem. Concepts	Steve Martens	19,735
7	20	Kansas	Damac Drilling Inc.	Chris Redmond	18,000
7	20	Kansas	Iso-Frac, Inc.	Robert Nugent	15,000
7	20	Kansas	Cherokee Coal Co.	Chris Redmond	14,770
7	20	Kansas	Cletus and Helena Ritter	Ed Nazar	14,140
11	21	SD Ga.	Rusco Industries	Wallace	119,353
7	21	P.R.	Puerto Rico Hotel Corp.	Hans Lopez Stubbe	100,526
7	21	MD Fla.	Bar-B-Q Management, Inc.	Jules Cohen	64,383
11	21	SD Fla.	Miami General Hospital	Gui Govaert	50,000
7	21	SD Fla.	JAMA International Corp.	Gui Govaert	29,302
7	21	SD Fla.	R.N. Hicks Construction	Robert Turchin	19,574
7	21	ND Ga.	Spectrum Printing	R. Ellenburg	11,828
7	21	MD Fla.	Florida Central Academy	Andrea Ruff	10,856
7	21	ND Ga.	Clifford Henry	R. Ellenburg	10,129
11	21	ND Ga.	Interstate Credit Corp.	P. Bonapfel	10,101

Mr. Early. Every time they have an account that is resolved. they get a request for a fee from their appointed trustee, don't they?

Mr. Stanton. There are 600,000 cases across the country. That data are in 600,000 files. I mean, to some extent, our offices—we can query them as to their largest one, and it probably will be something they will be aware of.

Mr. EARLY. I would think 600,000 is divided among the offices that you have, so that is 600,000 divided by 72, to get the ten big-

gest cases would take about two minutes I would think.

Mr. Stanton. The ten biggest might not be the ten largest fees.

Mr. EARLY. I suspect they would be.

Mr. Stanton. We don't know-frequently, the fees are awarded with some reflection as to the results. In other words, we turn a small case into a large case because of the effort of the trustee. The trustee might get a bonus from the court, he might get a higher fee than would be normal. Sometimes the largest cases don't always actually cash out at the largest amount of money.

Mr. EARLY. Would you say usually the largest cases do-

Mr. Stanton. Yes, absolutely.

Mr. Early. As far as the bankruptcy of Seabrook-

Mr. STANTON. Absolutely.

Mr. Early. I would think that would be the case in almost all you know the small cases, if the judge grants a bonus, I would

think that trustee did a pretty good job.

Mr. Stanton. Seabrook wouldn't have a trustee. There is no trustee in Seabrook. In the Manville case the attorneys and other professionals made about \$80 million in fees, but there was no

Mr. Early. What is the role of the Trustees Office in the fee area?

Mr. Stanton. Its role is to comment on the fees, to oppose highfee awards, to appoint the original creditors committee, and to make sure the creditors committee is performing properly.

Mr. Early. When you appoint the creditors committee, do you

appoint someone overseeing that case?

Mr. Stanton. The creditors committee would have counsel; they would select the counsel. But the court would ask us to comment on the counsel's fees, which we would. Then the judge would actually award those fees.

It is the same way with the trustees. We appoint the trustee, but

the judge actually awards the fees the trustee makes.

Mr. EARLY. I thought the trustee supplied a bill to the judge and

the judge either approved it or disapproved it.

Mr. STANTON. The trustee ultimately does, but it goes through us first. The trustee will provide a bill to us. We will either comment in support of the amount or come up with reasons why the amount should not be supported. We would appear at the same time as the trustee in the court, and the judge would make a determination as to whether the fee is appropriate.

Mr. EARLY. Provide for the record for your 72 offices how many recommendations there were where the fees were deemed excessive

or the fees were just not in line with what the role was.

[The information follows:]

Objections to Excessive Fee Awards

Since October 1, 1987, United States Trustees have filed approximately 2,394 objections to trustee fee awards which were considered excessive.

BANKRUPTCY COURTS

Mr. STANTON. Just for the record, 72 of the new ones, when you add the pilot offices, it is almost 86 offices.

Mr. EARLY. Compared to the 155 bankruptcy judges, how many

regions are they in, 155 regions?

Mr. Stanton. No, they are in 94 judicial districts.

Mr. EARLY. There are 94 judicial districts versus 86 that you

have?

Mr. Stanton. We are in the same districts they are, but just as there is an office in Worcester, and another office in the bankruptcy court in Boston, they are both in the district of Massachusetts. There are two divisions, a Worcester Division and a Boston Division.

Mr. EARLY. How many offices would you identify?

Mr. Stanton. There are 155 court sites where there is a judge sited in the United States. Those sites are located in the 94 districts. Some districts, like the Eastern District of Virginia, have three judges in it, one in Alexandria, one in Richmond, one in Norfolk. They are all in the Eastern District of Virginia, but three separate cities.

ELECTRONIC CASE MANAGEMENT SYSTEM

Mr. Early. What is the status of the electronic case management system being developed for the U.S. Trustees and bankruptcy

court? When will that be operational?

Mr. Stanton. We awarded the contract to Arthur Young, and they came back with a needs analysis. We then needed a software procurement, and that is still in process. We are going to contract for the software and once the software is finished, we will need a third procurement for the actual equipment.

Mr. Early. Do we have an estimated cost for the equipment? Mr. Stanton. Not until we get the software written, but I would

think about \$3 million is what we have been talking about.

Mr. EARLY. What type of records would you want to keep in a central office?

Mr. STANTON. In our office in Washington?

Mr. EARLY. Yes.

Mr. Stanton. We really need some management information rather than specific case information. In each office, they need a lot of the detail of the cases that we don't need. We need to know things, just like you were asking: where the fees are awarded, which case is closed, how long it takes a case to close in this district, how much money are the trustees paid throughout the system, and who was the attorney. That is the way we ultimately are going to structure the data.

The field offices will keep the data in detail, and we will have a computer that will pull the data we need out of field office ma-

chines.

CREDITORS' RECOVERIES

Mr. EARLY. Can you tell me what has been paid to creditors as far as the percentage of reimbursements throughout the offices? Do we have an idea how much the creditors are getting back under the trustee system on an average?

Mr. Stanton. No. We had some figures a few years ago that indicated that the recovery rate in the trustee districts was substantially higher than in the districts where we didn't operate. These were statistics generated by the Merchants Research Council, which is-

Mr. Early. Do you know what their numbers showed? Mr. Stanton. They were finding that in districts with the U.S. trustee offices, creditors were getting recoveries that were as much as 30 percent higher than those in the offices where we weren't operating

Mr. Early. Thirty percent of what?

Mr. Stanton. Thirty percent above what the recovery would be in the case

Mr. EARLY. If that was only 10 percent, that means your people

got it up to 13.

Mr. Stanton. Exactly.

Mr. Early. Can you tell us what the recovery was versus what

your 30 percent improvement was?

Mr. Stanton. That study should be able to. It was done with computers, using zip codes to sort the country. If the information still exists, we can pull it.

Mr. Early. If it showed they were getting 50 percent and you ap-

proved that, 30 percent to 75 percent would be fine.

Mr. Stanton. I don't think you are going to find that the recovery rate is anything like that in bankruptcy. Our experience is that creditors get a small percentage of what is due to them in any case, and it is rare where they get 100 percent recovery or anything close to that.

Mr. EARLY. But wasn't the intent, to get a better recovery rate? Mr. Stanton. It was one of the intents. At least the creditors' money, whatever money is brought into the estate, is not being wasted or being used just to pay administrative costs or overhead costs of the system or being looted, which frequently was the case in the past, because it was a lot of money.

MANDATORY INCREASES

Mr. Early. Please identify the mandatory increases requested.

Why are they considered mandatory?

Mr. STANTON. We have established offices with basically that \$9 million surplus from 1988 and are paying higher employees, which the actual appropriation was \$47 million. So we are operating this year at a \$56 million level, though we will need nearly \$62 million to operate at the same level as 1990.

Mr. EARLY. You mention phone costs for the office?

Mr. Stanton. Certainly.

[Subsequent to the hearing, the following clarification was received:]

Mandatory increases include such things as annualization of the nationwide expansion of the U.S. Trustee program, increases in GSA rent, telephone services and other operating costs. These increases are necessary if the program is to continue at its current operating level.

RECRUITMENT

Mr. EARLY. On overall recruitment, what would your assessment

be of the quality of the people you have recruited?

Mr. Stanton. I think that our recruitment has done very well. I think the quality has been very good, except in the most highly paid, urban areas, where it has been difficult to recruit the quality we would like.

Mr. EARLY. You spoke of LA. You spoke of hiring a 62-year-old individual who has interests other than in just making money.

What have you done in New York and Chicago?

Mr. Stanton. We have not had a lot of turnover in New York, or Chicago, but we are having a difficult time staffing the region at San Francisco right now. Out of all the expansion offices, it is the one having the most difficulty obtaining quality personnel. We have had more rejections of potential hires there for things like background and credit. All the reasons that people get rejected from being hired in the Department of Justice seem to be concentrated in that area.

FILING FEES

Mr. EARLY. What is your assessment of the fees we charge? Are they adequate, too high, too low? Could we get more revenue from adjusting our fees?

Mr. STANTON. You are talking about filing fees?

Mr. EARLY. Yes.

Mr. Stanton. We had a lot of opposition to raising the filing fees from \$60 to \$90 but in practice, our experience has been that it has not reduced filings one bit. I don't think we are in any way charging what could be charged. You get the small debtors, and there is a point at which it becomes a burden to pay that cost. However, I think we did some research at the time we went through the nationwide expansion, and we found that it was not infrequent for divorce cases to be \$125-\$150 in State Courts and that people pay those costs just the same way they pay for whatever else is a necessity in their lives and don't think much about it. So whatever that cost is, I think bankruptcy fees could be raised.

COLLECTIONS AND EXPENDITURES

Mr. EARLY. You said we are spending more than we are taking in. In your opinion, do we have a chance to make this a wash pro-

gram?

Mr. Stanton. Our feeling is that we are going to come very close to being a wash program. We have not had as many chapter 11 filings as we had anticipated originally because the filings have dropped. We had anticipated they would continue to rise at pretty much the same rate they had.

Mr. EARLY. Are the appropriations in addition to the fees?

Mr. Stanton. No, no, we will have in the U.S. trustee system fund at the end of this fiscal year about \$56.7 million and we estimate deposits to the fund in fiscal year 1990 at \$56.3 million, for a

total of \$113.0 million; from that amount we are asking you to appropriate \$63 million. We would still have a surplus going into the next fiscal year of \$50 million at a minimum; we may very well have more money.

Mr. Early. But we did appropriate last year.

Mr. Stanton. There was a surplus, a substantial surplus when you appropriated \$47 million. You could have appropriated \$56 million. But it was—the reason you didn't appropriate \$56 million had nothing to do with the Fund, it had to do with Gramm-Rudman scoring and that is why it wasn't, and we had a surplus. We told the committee, and you were aware carry-forward funding from 1988 existed, so that you didn't appropriate what really wasn't necessary for you to appropriate.

Mr. EARLY. So the trustee program paid entirely for itself?

Mr. Stanton. Yes.

Mr. EARLY. There was no Federal expenses?

Mr. Stanton. No, no Federal expenses last year, and there would be no Federal expenses this year.

Mr. EARLY. How much are you collecting per month and how

much are you spending per month?

Mr. STANTON. I can furnish that to the committee, but I can tell you last month we took in something on the order of \$4.6 million.

Mr. EARLY. What do you do with that money?

Mr. Stanton. It goes directly to the Treasury. We have a lock box bank, the same one the U.S. Attorneys use for their fee collection system in Atlanta, and the money is wired the day it is received to the Treasury.

Mr. EARLY. Is that-

Mr. Stanton. We have actually invested our receipts and earned something over the \$3 million interest on the funds.

Mr. Early. What happens to the interest?

Mr. Stanton. It rolls into the fund.

Mr. EARLY. And just gets carried forward?

Mr. Stanton. Nothing gets carried forward, except what you appropriate. The fund sits, and whatever goes into it is the source from which this committee appropriates. You appropriate so much money, and if there is a surplus, that surplus can pour over into the next year.

But we can't touch the fund without your okay. We can't take a dollar out of that fund that you haven't told us we can take out. If you were to cut us back this year to 47 million, there will be a surplus in that fund that will go over 110 percent. The money we need will spill into the Treasury and will not go to our operations, because there will be substantially more money than the appropria-

tion.

Mr. Early. We cannot authorize you to pay some expenses out of that fund in a way that would affect the appropriation in terms of

that score-keeping method?

Mr. Stanton. Our appropriation or any appropriation? The legislation says that the money from the fund can only be used for the U.S. Trustee System. So if you appropriate the money for our use, there is a score-keeping problem. For score-keeping purposes, it's as though it were an appropriation coming out of general revenues.

Mr. EARLY. How much did you say you were collecting a month total?

Mr. STANTON. Our experience so far in 1989 averages \$4.5 million a month.

Mr. Early. I thought you said-

Mr. Stanton. I was thinking of the Chapter 11 fees. That was the figure that was stuck in my head. See, part of our fund is coming from filing fees and part of it is from the Chapter 11 fees.

Mr. EARLY. Why don't you provide for the record what the total amount collected is, and break that down for us—what was fees,

what was other.

Mr. Stanton. On a monthly basis? How would you like that?

Mr. Early. Yes, on a monthly basis would be fine. Mr. Stanton. We will give you fiscal year totals.

[The information follows:]

UNITED STATES TRUSTER SYSTEM FUND

Actual and Estimated Revenue from Fees During Fiscal Years 1988 and 1989

(In Thousands of Dollars)

					P	PISCAL YEAR	1988						
FY 1988	t 50	NOM:	DEC	JAN	FEB	HAR	APR	KAY	SUN	Jąr	AUG	8EP	TOTAL FY 1988
PILING PEES QUARTERLY PEES SURPLUS PEES INTEREST INCOME	1,916 855 5	1,761 2,107 0	1,770 660 0	1,598 878 0 3	1,890 2,396 0	2,023 865 152 1,077	1,978 1,341 100 0	1,939 2,538 0	1,874 827 92 80	1,704 1,562 32 58	1,948 3,000 0 21	1,875 858 10 2,020	22,276 17,878 392 3,259
Monthly totals	2,777	3,868	2,420	2,479	4,286	4,117	3,419	4,477	2,873	3,367	4,970	4,763	43,804
÷					H	PISCAL YEAR	1989						
PY 1989 anatone	oct actual	NOV actual	DEC actual	JAN	PEB est.	MAR est.	APR est.	MAY est.	JUN est.	JUL ••t.	AUG	SEP est.	TY 1989
PILING FEES QUARTERLY FEES SURPLUS FEES INTEREST INCOME	1,865 1,651 38 48	1,815 3,554 0 192	1,809 983 160 161	1,747 2,683 60 115	1,660 3,508 225 134	2,009 1,097 28 1,150	1,747 1,588 28 168	1,922 3,506 28 200	1,922 1,097 28 418	1,747 1,560 28 206	2,009 3,445 28 200	1,747 1,077 28 787	22,000 25,748 675 3,768
Monthly totals	3,602	5,561	3,112	4,605	5,526	4,284	3,520	6,656	3,464	3,541	5,682	3,639	52,192

Mr. Early. With that, we will conclude the hearing and recess until 10:00 a.m. tomorrow.

FRIDAY, MARCH 3, 1989.

UNITED STATES MARSHALS SERVICE

WITNESSES

STANLEY E. MORRIS, DIRECTOR
HOWARD SAFIR, ASSOCIATE DIRECTOR FOR OPERATIONS
GARY MEAD, ASSOCIATE DIRECTOR FOR ADMINISTRATION
M. MILES MATTHEWS, ASSISTANT DIRECTOR AND COMPTROLLER
ROBERT J. HAYES, BUDGET DIRECTOR
MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER
ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. Early. We will now hear testimony from the United States Marshals Service concerning their Salaries and Expenses account, the Asset Forfeiture Fund and the Support of U.S. Prisoners account.

The Marshals Service requests \$228,846,000 in fiscal year 1990 for Salaries and Expenses, \$337,729,000 for the Asset Forfeiture Fund, and \$147,034,000 for Support of U.S. Prisoners. We will insert in the record at this point the fiscal year 1990 budget justifications for these requests.

[The justifications follow:]

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Department of Justice United States Marshals Service Estimates for Fiscal Year 1990

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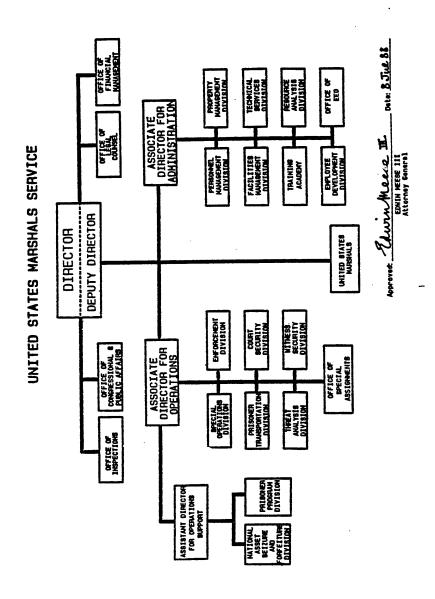
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Unites States Marshals Service

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Salaries and expenses

Burnary Statement

Fiscal Year 1990

For 1990, a total of 3,100 positions, 3,098 workyears and \$22,846,000 are requested for the Marshals Service appropriation. This is 153 positions, 111 workyears and \$23,717,000 above the 1969 appropriation anticipated.

Recent anti-drug and crime initiatives strengthened the authority of investigative agencies to pursue and apprehend alleged major drug and organized crime figures. As a result, by 1990 the Marshals Service will have in its custody some of the most dangerous individuals known. When combined with the centimeed growth experienced under the Comprehensive Crime Doughaised Crime Drug Enforcement Task Force and other efforts, the Marshals Service's ability to maintain the safety and integrity of the judicial system will be tested as mover before. Moreover, continued implementation of the Sentencing Reform Act unquestionably presents an entirely new set of demands, the full impact of which is still being assessed.

To provide the type of security required for anti-drug and organised crime proceedings scheduled for 1990, the Marshals Service requests program increases of 166 positions, 83 workyears, and \$7,680,000. This includes resources to ensure adequate judicial protection, prompt and secure prisoner movement, and necessary support services. A summary of program activity is presented below.

Mitness Security

The credible, first-hand accounts given by protected witnesses provide the government with the most effective weapon it has to try and convict leading organised crime figures and drug dealers. Protected witnesses are produced nearly 1,500 times annually, and when they testify, almost 90 percent of the trials result in convictions. By 1990, over 1,000 will be actively involved in the program. The statements they make against groups like the Medellin Cartel, the Mafia and others will do much to determine the success of the Government's anti-crime efforts.

Pugitive Investigations and Court Orders

In 1990, the Service will agreet over 14,000 fugitive felons (half on behalf of other Federal agencies) and effect 300 international extraditions. The types of felons at-large reflect the Government's anti-drug initiative. More than 50 percent of the Service's felony fugitives are wanted for drug offenses. To address this situation, the Marshals Service promotes a comprehensive approach to fugitive apprehension, and places special emphasis on major organized orime and drug fugitives.

Judicial Security

The ultimate disposition of drug and organized orime elements must be through the workings of the criminal justice system. It is the Marshals Service's assigning responsibility to ensure the safe conduct of judicial proceedings. Not only will 1990 see a significant growth in workload-time devoted to criminal proceedings and threats against the judiciary will both rise about one-third above 1988 levels-the serious nature of both the proceedings to be conducted and the threats lodged cannot be overstated. Given the caliber of individuals to be tried, from alleged members of drug organizations such as the Medallin Cartel, to terrorist groups like the Aryan Nation, extreme court security and judicial protection are essential.

3.

To fulfill these critical responsibilities, 83 positions, 42 workyears, and \$4,700,000 are requested for 1990. Of this amount, 68 Deputy U. S. Marshal positions and \$1,700,000 are requested to meet increased requirements for judicial security in the districts; 15 Deputy U. S. Marshal positions and \$500,000 are requested to create three Special Operations Group (SOG) teams to provide security for high threat trials; and \$2,500,000 is requested to augment the Special Assignments Reserve, providing funding for additional staffing at trials where the host district staff is not large enough to handle an unusual, high-threat situation.

ADP and Telecommunications

The decentralized structure of the Marshals Service organization and the diverse nature of its mission heighten the need for prompt and efficient data analysis and communication. Each year the Marshals Service handles over 80,000 varrants, platfocters nearly 800 active witnesses, analyzes nearly 300 threats against the judiciary and issues over a quarter-of-amplition checks. Data collected and used by the Service funnishes a composite of the criminal justice process not available anywhere else. For it to be used properly requires accurate and rapid collection and dissemination nationwide.

For 1990, \$900,000 is requested for ADP and telecommunications. This includes funds for district automation, improvements in prisoner transportation scheduling, expansion of the Warrant Information Network (WIN) and development of a Defendant-Based Tracking System.

Field Support and Training

The Marshals Service has assembled the most comprehensive and sophisticated training program to develop the best operational deputies possible. Specialized classes in officers survival and protective services help prepare the workforce for the complex and dangerous Marshals Service missions. No increased resources are requested for 1990.

fandling of Federal Prisoners

The type of prisoner the Marshals Service now faces, and will face in greater numbers in 1990, together with the resources they have at their disposal, create unparalleled prisoner handling and security requirements. It is even more

apparent that scheduled court proceedings require a level of physical security not envisioned when most federal courthouses were designed.

Moreover, the growth in prisoner productions, from over 379,000 in 1988 to mearly 555,000 in 1990, (almost a 50 percent increase in two years) and increased reliance on the National Prisoner Transportation System (NPTS) underscore the need to transport major drug and organized crime leaders safely and promptly.

To meet these demands, 83 positions, 41 workyears, and \$2,080,000 are requested for 1990. This includes 54 Deputy U.S. Marshal positions and \$1,380,000 for increased prisoner productions, and 24 positions and \$600,000 for expanded National Prisoner Transportation System air operations, including the provision of dedicated flight grews.

Organized Crime Drug Enforcement

The Marshals Service coordinates fugitive felon investigations, witness relocation and protection, prisoner transportation, judicial security, and asset forfeiture in support of the Organized Crime Drug Enforcement (OCDE) Task Force. Service personnel also actively participate in drug, financial, and other Task Force investigations. The sffects of ask Force on the workload of district office support personnel are described under the various programs. For 1990, Marshals Service resources devoted full-time to the OCDE Task Force are being transferred to the consolidated appropriation for the OCDE Task Force program. No increased resources are requested for 1990.

C. Superior Court

Two-thirds of the Service's workload in the District of Columbia involves responsibilities which are local in character and usually performed by a sheriff or similar official. In the absence of this local authority, such responsibilities that upon the Federal Government, particularly the support the Service provides on behalf of the Superior Court of the District of Columbia. Separate identification of these duties allows the Marshals Service to address the District of Columbia. Sederal and local needs more fully.

Seized Asset Management

The seized assets program provides the leverage necessary to take the illegal profits of vast criminal enterprises and turn them to positive advantage. By 1990, the full force of the War on Drugs Will be reflected in this program, when the Marshals Service Will have in its custody four times the forfeitable property it did in 1988. Further, demands for "equitable sharing" with State and local law enforcement agencies Will be three times last year's level.

Management and Administration

The Marshals Service could not function effectively without adequate management and support services, all of which directly support the operational mission. The activities provided range from critical legal guidance and representation, security clearance, and recruitment, to procurement, office renovations, and efficiency surveys and studies, all of which directly support the Marshals Service's operational mission.

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8228,846,000

United States Marshals Service

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Salaries and expenses

Summary Statement

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses, United States Marshals Service

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and alroraft: [\$190,000;000]. **Excuided. That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the United States Marshals Service may collect fees and expenses for the service of divil process, including: complaints, summonses, subposens and shallar process; and selven associated with judicial orders of execution; and oredit not to exceed \$1,000,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services.

148 U.S.C. 1963, 3053, 3059, 3192, 4008, 3531-3528, 19 U.S.C. 1613: 21 U.S.C. 881: 28 U.S.C. 510: 524, 561-562, 565, 567, 569-572, 1921: 48 U.S.C. 1424(b). 1614(d). 1694(b) (3): Department of Justice Appropriations Act. 1989, additional authorizing legislation to be proposed.)

[For an additional amount for "Salaries and expenses, United States Marshals Service", \$16,400,000, notwithstanding any designations contained in other titles of this Act.] (Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse.)

Explanation of change

No substantive changes proposed.

United States Narshale Service Salaries and expenses Crossalt of 1999 Charges (Cotters in thousands)

	1987 Bud	1989 President's Budget Request		Congr Appropri	Congressional Appropriation Actions on 1989 Request	t fone.	-	Transfers Between Accounts	, . .	Repr	Reprograminge		1989 J	1989 Appropriation Anticipated	£ _
	:	:	•••••••••••••••••••••••••••••••••••••••		:										
Activity/Program	8	5	į	į	5	į	į	5	į	į	5	į	į	5	į
T. Street agents		\$	067 263 503 263	•	•	A 3 8525	: :						383	8	333 308 828.145
2. fugitive investigations and				•	•		•		į	•	•				
court orders	255	ž	10,93	:	:	2	፥	:	:	፥	:	:	ŝ	ž	9,2
3. Audicial security	Š	6	33,620	^	~	2,652	፧	:	:	:	:	:	23	Š	Z,22
4. ADP and telecommunications	~	2	10,772	€	8	(2,332)	:	:	:	:	:	:	•	•	8,45
5. Field support and training	3	3	5,866	:	:	2	:	:	:	:	:	:	3	3	9 , 9
6. Handling of federal prisoners	8	ŝ	29.68	€	Đ	1,543	:	:	:	:	:	:	Ę	8	61,242
7. Organized crime drug enforcement.	=	=	8	:	:	33	:	:	:	:	:	:	2	=	8
8. B.C. Superior Court	五	152	5.117	3	ê	(673)	:	:	:	. :	:	:	喜	출	3,
9. Seized seset umrepement	2	\$	6,736	ŝ	ê	1,963	:	:	:	:	:	٠:	ē	\$	5,0
10. Management and adelinistration	2	=	14,297	S	8	(5,322)	3	3	(21) (81,271)	:	:	:	ĸ	8	7,7
Total	3,025	3,027	3,025 3,027 207,562	9	£	(37) (19) (1,182)	•	Ę	(41) (21) (1,271)	:	:		2,9,7	2,987	2,947 2,967 205,129
Congressional Appropriation Actions:	₹ o	angress.	The Congress reduced the President's 1999 request by \$1,182,000, providing small increases in most program areas and significent	President	1980	request by	81,182,00	5	The Congress reduced the President's 1999 request by \$1,182,000, providing small increases in most program areas and	1 Incres	£ :	most progr	20 0.000	e e e	ficent

Transfers to and from other accounts: The establishment of a separate Office of Inspector General requires the transfer of resources dedicated to this function in the Narahala Service.

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Selectes and expenses
Summery of Requirements

(bollers in thousands)	e e	Mork.	Amount
Adjustment to base:		•	
Pegartzent of Jastice Appropriation Act, 1990.		% %	\$190,000 16,400
Transfer to and from accounts (Impector General).	%	98°S	286,480
1989 appraprietien enticipated	2,2	2,987	29, 23
Transfers to and free other accounts: Armalization of Office of the Impostor Beneral Transfer Organization brug Enforcement (ODBS)	:€ :	êê :	55 55 56 57 57 57
Handetery Increased	:	3	17,630
Perriament	:		£
409.5 conservation of the second contraction	×6'2	3,015	221,166

	•	Anticipated	3		1990 Base	_	2	PO Estim	ate	1990 Estimate Incress/Decress	e/Decrees	Anticipated 1990 Sees 1990 Estimate Increses/Decrees
Estimates by budget activity	2	5	Amount	į	5	Amount	8	5	Pos. VY Assumt Pos. VY Assumt Pos. VY Assumt Pos.	hee, VY Amount Pos. VY Amount Pos. VY Amount Pos.	5	Amount
United States Marahela Service	2,97	2,8	8202° 179	2,934	3,015	8221,166	3,100	3,09	\$228,846		2	87,680
	Agendo	1	Total	Approp.	Roi B.	Total	Approp.	e. ē	Aggrap, Reimb, Total Approp. Reimb, Total Approp. Reimb. Total Approp.	Aggrap, Relab, Total Approp, Relab, Total Approp, Relab. Total Approp. Relab.	4	Total
EOF Employment: Full-time permenent	2,87	\$:	2,947 49 2,996 2,934	2,92 171		2,983	3,100	2,983 3,100 62	31.5		:	Ĕ:
Total	3,118	3,118 49	3,167	3,167 3,105	\$		3,154 3,271 62	3,154 3,271 62	3,333	98	2	<u>2</u>

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United States Marshals Service Salaries and expenses Bumary of Recourses by Program (Collars in thousands)

Incresse/Decresse Pers. Pos. VY Amount : :3::2 :::: 8 5 8 : :s : :s Pers. Pers. VY Amount 333 311 930,001 355 624 44,742 596 564 44,745 1,056 1,049 66,833 1,056 1,049 66,833 1,056 1,049 66,833 1,056 1,049 62,835 1,040 1,048 228,646 1,540 1,048 228,646 1999 Appropriation
Anticipated 1990 Base
Pers. Pers. Pers.
17 Pes. VY Amount Pes. VY Amount Pe 333 311 \$50,601 535 624 44,702 513 522 39,645 6 8 9,166 1 106 106 6,733 1, 1 100 106 6,733 1, 1 100 106 6,733 1, 1 100 106 7,628 1 100 106 7,628 1 100 106 7,628 2 2,045 3,015 221,166 3 7 327 289 524,283 333 308 525,145

9 449 421 29,500 355 524 41,210

1 6 49 421 29,500 355 524 41,210

1 8 8 9,272 8 9 13,570

1 10 8 9,270 8 13 13 00 34,272

1 10 13 808 13 13 903

1 10 11 13 808 13 13 903

1 10 11 13 808 13 13 903

1 10 11 13 10,002 79 2,047 2,097 205,179 2,4

2 364 2 540 185,097 2,047 2,097 205,179 2,4 327 1988 Actual Perm. Pos. VY Amount 3,216 1986 se Enacted Pers. Pos. VY Amount Relimburable workyears.....
Total celling workyears....
Other Workyears:
Overtime: Other Estimates by Program

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United States Marshals Service
Saleries and agenaes
Austification of Program and Performance
Activity Resource Summity
Coollars in thousands)

	1900	a de la	1989 Appropriation									
Activity: U.S. Merahala	ŧ	Anticipated	r		1990 Bese	:	=	1990 Estimete	- mete	Inci	6	Incresse/Decresse
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Estimates by Program	į	5	Amount	ş	5	Amount	į	5	Amount	į	5	Amount
	:	:	:	:	:	:	i	:	:	:	i	:
Witness security	333	Š	306 828,145	ä	E	333 311 \$30.601	333	31	333 311 \$30.601	:	:	;
Fugitive investigations										:		
and court orders	55	ž	41,210	22	ž	44,762	555	ž	44.762	:	:	:
Judicial security	3	Š	26,272	5	2	39,645	ž	¥	£.35	8	3	3
ADP & telecommulcations	•	•	3,	•	•	9,166	-	•	990	:	:	8
field support & training	3	3	980,	3	3	986,9	3	3	95.9	:	:	
Handling of Federal prisoners	Ę	鲁	61,242	22	973 1,006	8,73	1,056 1,049	8	66,833	8	Ŧ	2.080
Organized crims drug					,							•
enforcement	=	2	\$:	:	:	:	:	:	:	:	:
D.C. Court	ş	Ī	4,4	2	Š	4.828	2	2	4.828	:		:
Seited Asset Management	ē	ŝ	£,0	Ē	ē	11.766	Ę	2	11.766			:
Management and adelinistration	ĸ	8	7,70	ĸ	ĸ	7,077	K	£	7,07	:	:	:
	:	:					:					,
Total	2,947	78,	2,947 2,987 205,129	2,934	5,015	2,934 3,015 221,166	3,100	8	3,100 3,098 228,846	Ž	391	7,680

This budget activity provides witsi support to the federal dovernment's administration of the justice system in the areas of operational apport and protection of the federal judiciary, including cours security securitor of fugitive, investigations and court orders; salture, ammagament and disposal of assets subject to judicial forfeiture; protection of kry powernment witnesses; custody and tramporteston of unantenced federal prisoners; lisison with the ODDE task forces; contracting with local detention facilities for the housing of unantenced

	1989 A	propria Licipat	tion		1990 Ba	8		990 Est	Laste	Ingre	ed/ser	TERRE
		걸	Porn. Pos. MX Amount	Pera.	껉	Perm. : Pos. MX Amount		滋	Perm. Post. MX Amount	Por 1	¥	Pern. Ros. W. Amount
ss Security	333	308	\$28,145	333	311	\$30,601	333	311	\$30,601	:	:	:

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2 -(Carry Long-Ranga Goal: To protect those witnesses, potential witnesses, and their dependents whose lives are in jerpardy as a result of actual or potential testimony against criminal organisations, drug traffickers, terrorists and other Federal oriminals.

Major Objectives:

To protect those endangered witnesses and their families who have been approved for protective services by the Department of Justice, Criminal Division, Office of Enforcement Operations.

To ensure that endangered witnesses can testify without fear of retribution.

To assist witnesses and families in becoming self-sustaining through relocation under new identities.

BABB PROGRAM DARGETINESS. The witness security program is the Government's most effective way to obtain testimony against accused drug dealers, major organized crime members, and terrorists. It encourages potential witnesses to testify by providing the secure environment and support services necessary to eliminate the fear that such testimony would jeopardize the safety of the witnesses and their families.

Accomplishments and Workload:

Estimates

	7887	1988	1989	1990
Newly accepted witnesses	306	255	270	340
Witnesses funded/maintained	787	790	825	1,000
Average months witnesses are funded	15	16	16	16
Total vitness workload	5,387	5,649	5,919	6,259
Total participants (withespes and fastiv sesbers	11.958	12.390	13.028	13.742
Productions (includes to courts, hearings				
and other)	1,807*	3,132**	3,240	4,080
Program Services	•	•	•	•
Instances of vocational and employment				
guldance	963	692	810	1,020

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Item	1987	1988	1989	inster	1990
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ichers funded	7,274	8,180	6,370	,	10,540
noving bills, claims against movers	919	1,002	1,080		1,360
mmentation records prepared	2,005	1,866	1,890		2,380

\$300 \$300 * Represents total number of <u>details</u>. ** Represents total number of production <u>days</u>. The nature of the criminal cases now pending in the judicial system underscores the importance of the witness security program. A number of major drug dealers and organized crime mambers are currently in or awaiting trial. A few examples demonstrate the important role these witnesses play in the judicial process, as well as the security massures required. Recently, eaven protected witnesses in Jacksonville, Florida, testified about the involvement of Carlos Lahder-Rivas in drug trafficking, kidnapping, murder and racketesring. Lahder-Rivas, a principal member of the Medellin Cartel in Colombia, was one of the four most powerful drug saugglers in the world, and the cartel was said to supply 80 percent of the cocaine imported to the United prison for life plus 135 years.

Three protected witnesses are scheduled to testify this Spring in Washington, D.C. against alleged international terrorist by Newa Younis, a Nordanian Siliner. Because of Mr. Younis, a purported vest knowledge of terrorist tactics, extraordinary security precautions must be used during all court appearances by the protected witnesses and by Mr. Younis.

In a case scheduled to begin by February 1989, in los Angeles, California, at least six protected witnesses will provide testimony against multi-billionaire Juan Matta-Ballesteros, an international drug trafficker, who is the purported successor to Alliaca-Fabrone, the alleged largest drug dealer in Maxico. In addition to drug dealing, Matta-Ballesteros is asspected of involvement in, among other things, corruption of Maxico. In addition to sail good, he has used before as "hit men" and the murder of witnesses in both the United States and Maxico. Matta-Ballesteros is a top-ranking official, if not the head of the Communist Party of Honduras. His wife is related to high-ranking members of the Medallin Cartal in Colombia, and arrested. During those riots, the American Embassy was damaged and resords were stolen. Obviously, extraordinary security measures must be implemented during the production of protected witnesses for court appearances connected with his trial. In a high-security trial in Massachusetts, which is expected to last 9-12 months, a protected witness is currently testifying against eight members of a domestic terrorist group known as the "United Freedom Front". The defendants are charged with plotting to overthrow the U. S. Government in addition to bombings, bank robberies and the murder of two police officers.

Prisoner witness Floyd Carlton Cacerss testified before a grand jury investigating the illegal drug dealings of General Manual Noriega, the leader of Panama. Also, protected witness Jose Blandon, the former Panamaian Consul-General to Noriega, testified to the Department of Justice and Congressional investigators. These witnesses' testimony include General Noriega's association with the Colombian Medallin Cartel and the involvement in drug trafficking by several foreign heads of state. Their testimony was instrumental in General Noriega's subsequent indictment in Miami on drug trafficking charges.

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of a Pederal Judge and an PBI Agent, nine protected witnesses/prisoner witnesses the right-wing White Supremecy Group known as "The Covenant, the Sword, and the Arm In a case involving the attempted murder provided testimony against 14 members of the Lord" (CSA). Since 1970, over 5,600 witnesses have entered the Witness Security Program on the recommendations of U.S. Attorneys and/or the approval of the Criminal Division, Department of Justice. Today, over 800 persons, including principal witnesses and their families, receive active protection and funding. The Marshals Service provides these witnesses with around-the-clock protection while they are in threat environments and during their return to danger areas for pretrial conferences, trials, or other court appearances. Non-prisoner witnesses and appropriate dependents are moved to other locales under new identities are provided employment assistance and other necessary services to aid them in establishing new lives in their new communities as quickly as possible.

In 1988, 262 new witheses entered the Program. All new entrants require a variety of services, including initial evaluation of deterine suitability for the Program, counseling and training in preparation for the changes that must be made, assistance in locaring suitable employment, and the personal history documentation necessary to provide witnesses and their families with new identities in safe locations.

It is important to remember that there were over 12,000 program participants (witnesses and family members) in 1988. While the number of new entrants each year does not appear a significant workload factor, these new entrants add to the cumulative total of all participants who have entered this program since 1970. During any one month this program provides over 2,300 services to, or contacts over 800 participants. Many services required by witnesses are not simply single occurrences, but could take many months to complete. (Job placement services, for example, currently average 16 months.)

The Mithess Security Division faces greater challenges and responsibilities as criminal elements, some with their country's treasury at their disposal for financial backing, become more applicated with their boldness, advanced wasponsy, as and volcinca. Where now protected against international terrorists and drug cartels. The degree of threat and violance has certainly escalated. During the last quarter of 1988 there were 36 significant trials scheduled which resulted in the production of 90 protected witnesses. These significant trials are typically characterized by high degrees of threat, significant media attention, multiple protected witnesses, and extensive duration.

A new problem is that of "second generation witnesses." As mentioned earlier, a lifetime commitment is made to witnesses and their families. Program services are now provided to the grown children of those first program participants. Additional

for these "second generation be obtained documentation for military and college records, must now .9. program services, Witnesses."

Acres.

While a transhdous amount of work is expended during the pre-enrollment and enrollment phases in the program, and with actual court proceedings, the bulk of the workload faced by the Witness Security Division and supporting district personnel involves the life-long commitment to all who fulfill their obligations to the Program: providing protection whenever a witness is required to enter a danger area; reactivating witnesses; relocating witnesses whenever a security breach has occurred which could jeopardize the Witnesses and their families; providing child visitations; and, offering additional program services that are available to all witnesses and their families.

Some of the services provided to all Program participants are: psychological counseling, vocational guidance and drug withballitation assistance. The Division has contracted with a team of psychologists who have specialized experience in dealing to individuals making traumatic social relocations. The witnesses are also assisted in the preparation of resumes, letters to potential employment contacts, letters of appreciation, and in obtaining, scheduling and preparing for employment interviews.

In the area of documentation the Division provides new identities substantiated by suthentic documentation. This may include: court-ordered name changes; social security cards; birth certificates; U.S. passports; immigration papers; school records; medical records; military records, civil and religious certificates; and professional licenses.

In 1988, the Program honored 109 court-ordered requests for child visitations. Such visits require the difficult coordination of bringing together various family members who are living in different states. Obviously, these visits, involving multiple protectees, require around-the-clock security details and expend a substantial amount of manpower and resources.

A typical move of household goods involves the production of the vitness and/or spouse hack to the danger area for several days. Manpower requirements vary as security concerns dictate. Once the vitness and family are moved to the secure relocation acts, table vitness Security Inspector helps the family find housing and doctors, enrolls the children in school, and assists the adult ambers of the family in locating suitable employment. The family continues to be provided subsistence funding until they become self-sufficient.

An additional impact on our workload is the increased use of foreign languages. Some 80 percent of the workload is drug—stated, Many witnesses sponsored by the DEA, OCDETF, and FBI are Spanish-speaking foreign nationals, who do not speak English. Thus, Inspectors must be given foreign language training to speak and write effectively in general conversations, and to handle professional discussions within a special field.

In 1990, the Marshals Service anticipates receiving 340 new witnesses, an increase of 30 percent over 1988; reactivating more in 1990, the Marshals Service anticipates receiving 340 new witnesses, an increase of 37 percent over 1988; reactivating more 1,000 witnesses, 3,500 percens when family members are included. (an increase of 27 percent over 1988). This projection excludes the impact of the passage of the Omnibus Anti-drug Abuse Act of 1988. The 1989 request to Congress for funding and

positions was based on the workload factor of 240 new witheses in 1988. That number has already been exceeded, and the program is now expecting to accept 270 new witheses in 1989, a 13 percent increase over the original estimate for that year.

For witheses to remain alive and provide testimony to the Government and the Courts about organised crime, terrorism and other oriminal enterprises, and for them to survive the rigors of protection and to translate their testimony into oriminal program provides those services necessary to ensure their continued protection and to translate their testimony into oriminal convictions. According to the Marshals Service statistics, ("Director's Report: A Review of the United States Marshals Service in FY 1987") during 1987 in cases where protected witnesses testified, over 89 percent of the defendants were convicted. This program continues to provide critical support to the successful prosecution of serious criminal cases.

	1989	Appropr	istion									
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Product description					1			1	THE REAL PROPERTY.	1	1	O TOTAL
and Court Orders	55.55	624	555 624 \$41,210 555 624 844.762	88 83	624	\$44.762	10 10 10	624	858 624 844 742			
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orders, to conduct investigated for first for the first fo	the int	grity o	ond fugitive	inal ju	tice sy	To ensure the integrity of the criminal justice system through the execution of Federal warrants and other investigations to appealed fugity felons domestically and internationally, and to assist other agencies annate in funditive investigations.	h the ex interna	ecution tions11	of Federal	warrants	and o	ther

investigations and apprehensions. Long-Ran orders, and fore

Malor Objectives:

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To initiate oriminal investigations to apprehend fugitive felons and other Federal violators, and to produce prosecutive reports on all felony arrests.

To respond to requests from foreign countries for assistance in investigating and apprehending foreign fugitives in the United States.

To coordinate, fund, and implement the physical extradition of Federal fugitives to the United States and to return foreign fugitives to the requesting country, when authorized by the U.S. Government.

To respond to emergency situations, provide law enforcement and security assistance to other Federal and State agencies designated by the Attorney General, and enforce major injunctions of the U.S. Courts.

To respond to State and local governments in fugitive matters in the form of task force operations and emergency assistance.

To provide timely service of process, court orders, and warrants in support of the Pederal judiciary.

<u>Base Program Description:</u> Through this program, the Marahais Service conducts criminal investigations designed to locate and apprehend Federal agencies which lack the power of arrest. Along with the nationwide fugitive investigations, the Marahais Service places a special emphasis on the "15 Nost Wanted" fugitive felons through special funding, national attention, and mobilized task forces to ensure quick apprehension.

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In expanding its foreign limison outside INTERPOL, the Marshals Service utilises law enforcement contacts made through the facts before the contacts and the extradition of U.S. foldtives to U.S. custody. The extradition of U.S. foldtives from foreign countries is a responsibility which has become especially dangerous in light of increasing foreign hostility towards U.S. agents.

This program is also responsible for serving process on behalf of the federal courts and regulatory agencies; providing law enforcement assistance in nuclear weapons movement through relaburable agreements with the Joint Cruise Missile Project Office of the Department of Defense and the U.S. Air Force; and providing specific assistance to State and local law enforcement agencies.

Accomplishments and Workload:

			-74-6	
Item	1987	1988	1989	1990
Fugitive felon warrants, caseload	20,811	21,730	22,850	24,650
USMS arrests	6,715	7,340	7.340	7,340
Drug fugitive, warrants, caseload	(8,300)	(10,900)	(11,400)	(12,300)
USMS arrests	(2,656)	(3,700)	(3,600)	(3,600)
Foreign fugitive investigations	145	200	275	375
International Extraditions	189	200	250	300
Other agency felony warrants rod	26,780	25,750	27,200	28,600
USKS arrests	6,541	2,000	7,000	7,000
Misdemeanor warrants, caseload	65,978	67,485	71,855	76,525
USMS arrests	11,271	10,300	10,300	10,300
Process received and handled	316,544	322,300	329,000	332,290

Although Marshals Service investigators continue to produce an impressive number of arrests at an average cost of \$1,200 each, the backlog of cases has steadily increased. At the end of 1987, 10,330 fugitive cases were open. By the end of 1989, the backlog will be 11,800, a 14 percent increase in two years. A large number of those cases are drug-related. In 1987, 8,300 drug fugitives were sought by the Marshals Service, compared to the current number of 10,900, or a 31 percent increase.

In 1988, 16 fugitives from the Service's "15 Nost Wanted" list were apprehended or located by Marshals Service investigators. Among these were Aphonse Carmine Persico, one of America's most wanted organized orime figures, whose arrest was the result of an eight-year international manhunt; Elton Royce Winchester, a career oriminal, convicted murderer and narcotics trafficker, arested in Georgia; and Pilar Persada-Villapudua, a cocaine trafficker, who was arrested orossing the U.S.- Maxico border.

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ŧ An important part of the Marshals Service's contribution to law enforcement is assistance to other agencies. In 1988, 'Marshals Service cleared approximately 9,900 felony fugitive warrants, another 9,800 felony warrants for other Pederal agencies, and almost 30,000 misdemeanor warrants, exceeding those reported by any other Federal law enforcement agency.

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As the lead agency in most fugitive apprehension matters, the Marshals Service handles the majority of investigations locating fugitives on behalf of foreign governments through INTERPOL, as well as handling cases referred directly by the requesting country. The contacts the Service makes are invaluable in successfully locating and returning our fugitives found in foreign countries. The Service's locations at the request of a variety of foreign countries increased by 39 percent over 1987. Among these is the arrest in Mimil of former El Salvadorian captain, Alvaro Rafael Baravia-Herino, wanted for slaying El Salvadorian Archbishop Oscar Romero in 1980.

Marshals Service investigators are very successful in locating fugitives who have left the United States. Such investigations this year have increased by 25 percent over last year. A notable arrest made by Honduras was that of Juan Ramon Matta-Balastacos who, for many years, enjoyed a confortable and well profeted existence in Honduras, alloquing financed by the profits of drug sales in the United States. Located in Honduras by Marshals Service investigators, he was expelled by Honduran authorities and returned to Federal custody this year. Marshals Service investigators recently traveled to Belize where authorities arrested William Pegram was wanted for parole violation and armed robbery.

The Marshals Service effected 200 international extraditions in 1988. Great strides were made in the quality of investigations. For example, electronic surveillance methods are now widely used and an additional surveillance airplane (total complement of two) was acquired through the Justice asset forfeiture program. The Service increased the use of other physical tracking devices and phone number recording equipment to assist in over 100 fugitive investigations. Other supprovements include the 20 percent increase in the use of informants to bring about arrests, and almost triple the use of the automated lookout systems which feed border entrent information to the national database at the El Paso Intelligence Center (EPIC): The Marshall Service, through EPIC, targeted and published Anformation on fugitives with Jamaican ties in the United States, a violent group of concern to many law enforcement agencies:

Automated information systems play a key role in law enforcement today, and the Marshals Service is capitalizing on this technology. This year, the headquarters used a specially designed system to assemble and analyze thousands of pieces of information generated during the "15 Most Wanted" fugitive investigations. Limited automation is available to 38 district offices through the Marrant Information Network (WIN) system, yet it continues to be very useful to the districts in the management of their warrant cassload.

	1989 An	1989 Appropriation	ation		1990 Base	_	1	990 Est	Inate	Incres	Section 1	TERRE.	
	200	×	Amount	Perm. Pos.	Ħ		Porn.	걸	Porn. Pos. MX Amount R	Pera.	겈	Perm. Pos. MX Amount	
Judicial Security	513	200	\$36,272	513	522	\$39,645	969	564	\$44,345	83	42	\$4,700	

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LONG-RANGE GOBI: To ensure the integrity of the Federal judicial system by providing security at all places in which Federal judicial business is conducted, and to eliminate fear of intimidation, retribution, or physical harm on behalf of all judicial participants.

Major Objectives:

To assess security at the nearly 500 judicial facilities across the nation by: evaluating new and changing requirements; providing technical assistance to U.S. Marshals and the Pederal judiciary on security procedures; and, using the latest state-of-the-art security equipment.

To provide personnel and security systems to protect all high-threat trials, other original proceedings, and certain civil proceedings, where warranted.

To establish and maintain a threat assessment and risk management methodology and provide 24-hour-a-day security sarvices to members of the Federal judiciary (including employees and families) threatened as a result of their performing official duties, and to all sequestered juries, grand juries, judicial conferences, and judicial vorkshops.

To provide contract security officers and security equipment to secure all judicial facilities and those judicial proceedings not secured by Deputy U.S. Marshals.

To augment regular courtroom security with specially trained Special Operations Group (808) Deputy U.S. Marshals, for high-risk/threat court security needs.

RABE PROGRAM DESCRIPTION: The Judicial Security program maintains the integrity of the judicial process by ensuring that each Federal judicial facility is secure and that all Federal judges, magistrates, prosecutors and participants can conduct judicial proceedings in an open and safe environment. As the number of judges and magistrates has grown, the proceedings they hold have not only increased in number, but now last longer, and are more dangerous and complex. Therefore, ensuring the continued safety of the Federal judicial process requires a comprehensive approach to judicial protection.

The Marshals Service uses four program elements in providing judicial security. The Technical Assistance element provides highly trained judicial security specialists to assist U.S. Marshals, judges, and other members of the judicial family in evaluating security risks and planning and implementing appropriate responses.

The Court Security element uses personnel and proven systems and procedures to ensure the integrity of the judicial process. Appropriate security messures include screening courtroom participants, packages, and spectators with x-ray equipment and metal detectors outside Federal courtrooms; isolating the criminal defendants from the public; and ensuring that an appropriate number of Deputy U.S. marshals are assigned to the courtroom to preclude or minimise any disruption that could reasonably be anticipated.

Threat Analysis Division provides information concerning threats to judicial family members, Marshals Service personnel, to those who are under the protection of the Marshals Service. This includes a centralized Threat Analysis Group that

supports operations involving judicial security, high-threat trials, withess security, and enforcement operations (especially the execution of warrants involving violence-prone groups), by preventing acts of violence and intimidation, as well as providing intelligence information for those members of the judicial family under threat.

ş The Judicial Facility Security element utilises authority delegated by the General Services Administration to contract with the private sector for highly qualified contract guards, called Court Security Officers (CSOs), and for the installation and maintenance of physical security equipment. All direct costs for this program element are funded by the judiciary through a Nemorandum of Understanding with the Administrative Office of the United States Courts (AOUSC). Under this arrangement, the Narahals Service provides CSOs in all 94 judicial districts. These CSOs monitor both fixed and rowing checkpoints throughout the court facilities, and they prevent illegal weapons and contraband from being taken into the judicial areas. Recently, the duties of CSOs were expanded to require their presence as security officers at judicial proceedings which do not warrant the presence of a Deputy U.S. marshal.

complishments and Morkload

ACCOUNT LEGISLIC AND HOTH ONG!			•		
Item	7887	1288	1989	1990	
Criminal trial bench hours	104,369	114,345	125,300	137,300	
Civil trial bench hours	176,225	172,170	215,500	254,200	
Other proceedings bench hours	153,663	156,148	166,500	174.600	
Magistrate proceedings	481,268	502,987	542.800	585.800	
Security systems projects - required	731	734	739	742	
Security systems projects - completed	729	734	739	742	
Threats received	220	213	265	291	
Protective services details performed	61	69	90	120	
The fair and content and				***	

The Comprehensive Crime Control Act of 1984, Organised Crime Drug Enforcement Task Forces and similar initiatives continue to cause the marked growth in the Marshals Service's judicial security workload. More complex security problems are encountered as the War on Drugs presents more alleged international terrorists, major drug trafflokers, and others for proceedings in the Federal courts.

USA.V. JEXY Allen Leguire, et al., a recently completed triel in Alabama involved 25 defendants, 17 in custody and eight fügitives. The defendants were convicted of continuing criminal enterprise, RICO, marcotics trafficking, and obstruction of justice (surder). It is alleged that the main defendant, Jerry Leguire, is the principal in a drug organisation that relied violence, including marder, to sustain its position as a leading drug distribution network. Drug Enforcement Administration intelligence indicates that Leguire ordered and financed the murder of the mother of a key witness the day before that the trial began in Nontgomery, Alabama. The execution was carried out by three Latin males utilizing automatic weapons.

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Raymond Levasseur and seven other members of the United Freedom Front allegedly conspired to overthrow the United States Government by force and are awaiting triel in Massachusetts for numerous bombings, bank robberies and murder. This case

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The trial defendants. ‡ ö still in the pretrial-motions stage and costs \$50,000 per week for security for each appearance will require similar extraordinary precautions on the part of the Marshals Service. Current and future cases demonstrate that this trend will continue. In <u>United States v. Scutari. et al.</u>, in Fort Smith, McKanges, alleged Anti-Semitic and Moc-Meni group leaders were tried, including Richard Butler of the Avyan Nation; Jis Blison of the Covenari, the Sovid, the Arm of the Lord (CSA); Robert Miller, of Elchim City, Thomas Robb of the Ru Klux Klan; Robert Milse, of the Mountain Church; Matthias Keehl of the New Order; and Tom Metager of the White American Resistance (MAR). All of these defendants were charged with sedition and acquitted. Mevertheless, security requirements during the trial were undiminished. Because this case involved several reportedly dangerous persons, it required extensive security, and was a significant workload burden.

Another trial, <u>United States v. Rupley. st. al.</u>, in the District of Nevada (Reno), involves 20 defendants who are charged with manufacturing, possessing, and selling controlled substances; racketeering; and operating a criminal enterprise. They strempted to threaten and intimidate witnesses and law enforcement officers in open court during pre-trial hearings. Apportedly, the defense will call over 100 witnesses. The trial may last through March 1989 and, if so, will require over a million dollars for security.

In USA v. Juan Ramon Matta-Balleatexos, one in-custody defendant, Juan Matta-Balleateros, was arrested on warrants charging his with escape from Federal custody, conspiracy to sauggle cocains, possession with intent to distribute cocains, and engaging in a continuing original enterprise. Balleateros allegedly is a leader of an interlocking group of trafficiers that controls the following charges in the following charges: Balleateros and is the connection between Mexican dealers and the Medellin Drug Cartel. He faces the following charges: Bouthern District of California: possession with intent to import cocains, and conspiracy to import cocains, possession with intent cocains, and continuing criminal enterprise; following arisinal enterprise; and, Morthern District of Florida: escape from Federal prison camp, align Air Force Base.

Matta-Ballesteros also escaped from Colombia's biggest prison in 1986, reportedly by paying as much as \$2 million to bribe guards. He is wanted for questioning in connection with the murder of DEA agent Enrique Camarena Salazar in Mexico City.

<u>USB. v. Whitshorn, at al.</u> involves seven defendants charged with several bombings, including the 1983 bombing of the U.B. Capitol. These defendants are allegedly associated with terrorist groups such as the Black Liberation Army, United Freedom Front, and the May 19th, a left-wing extremist organization. Their trial is expected to last 12 months and may be conducted in stell blackict of Columbia concurrent with the <u>USB. v. Younis</u>, a trial of an alleged international terrorist, for which physical security measures have been enhanced.

<u>USA v. Jesus Gutlerrez, et al.</u> involved three drug dealers from Mexico convicted of involvement in the brutal murder of DEA Agent Enrique Camerena-Salazar. On August 16, 1988, U.S. Marshal Samuel Cicchino of the Central District of California was followed while enroute to his office by two members of the Jesus Gutierrez organization. Also, members of the defendant's organization conducted surveillance of Marshala Service personnel, requiring additional resources to be devoted to security.

The trial of <u>USA v. Ted O'Neill</u>, scheduled in 1989, will require the largest out-of-district personnel assignment the Marshals Service has experienced in order to provide an adequate number of Deputy U.S. Marshals to augment the three who normally staff the sub-office where the court is located. The case involves 1/2 indicted defendants, 50 of whom are currently in custody although other arrests are anticipated. These defendants are charged with narcotic violations and are believed to have ties to Panama's General Noriega. The trial judge has already indicated his intention to try as many defendants as he can fit into his courtroom at one time.

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Convicted oriminals like Lebder-Rivas and Levasseur are in custody for years from arraignment and pre-trial hearings, to subsequent disposition of the case. This presents the Marshals Service with security requirements unheard-of just a few years sub-equent disposition indicate that the Iebder-Rivas, Levasseur, and Scutari proceedings alone will run a combined total of more than a year, involve nearly 100 Deputy Marshals and cost millions of dollars. The Matta-Ballesteros, Younis, and O'Meill cases are among the relatively recent proceedings which are likely to be more costly.

Last year some 213 serious threats were lodged against members of the judicial community, requiring the establishment of 69 protective service details. The Service must take all threats seriously, even though some may prove to be unfounded. Even bogus threats represent a significant workload requirement, because judicial officers are given protection when there is any danger that the threat is valid.

A sample of the serious nature of some threats proves that they are made and violence occurs not only before and during trials, but after proceedings have concluded. Although numerically unchanged, (50-60 per year), protective details have increased in length and cost. Two protective details in Puerto Rico which begin in 1984 and 1985 continue today involve Chief U.S. District Judge Juan Perez-Claines and United States Attorney Danny Lopes-Rome, both as a result of the "Los Mocheteros" case and the movement in Puerto Rico for Independence from the United States. In 1986, a protective detail was initiated for U.S. District Judge Paul Benson, addresses for a malled ploe bomb. The detail continued until late 1987, lasting more than year.

Most details relate to criminal prosecutions. However, there is an increasing trend of threats of violence related to civil cases. This year, U.S. District Judge Richard Daronco, Southern District of New York, was murdered as a result of a civil case. U.S. District Judge Leonard B. Sand has received numerous threats as a result of his civil case decision to order low-income housing in the middle-income area of Yonkers, New York. As a result of numerous demonstrations at his residence, Judge Sand is currently under Marshals Service protection.

Judicial Conferences also receive Marshals Service protective details. For example, the First Circuit Court of Appeals
Conference was held in San Juan, Puerto Rico, in 1986 immediately following the arrest of 17 members of the "Los Macheteros"
terrorist group. Marshals Service and FBI intelligence indicated a need foor increased security for the conference as a result
of these arrests. Over 50 Marshals Service personnel, at a cost of over \$200,000, were required. In 1988 the Ninth Circuit
held its conference at Cosur D'Alene, Idaho, the site of four bombings in 1988 and near Hayden Lake, Idaho, the headquarters of
the Aryan Nations Compound. Over 25 Service personnel were assigned to this protective detail.

As danger in and out of the courtroom escalates, increasing reliance is placed on the Bervice's Special Operations Group (SOG). The mission of SOG is to provide operational support and expertise to the United States Marshals Service. This involves high-risk/threat situations related to court security, fugitive operations, personal protection, prisoner transportation, seizures,

withess security or any other law enforcement functions assigned to the Service. This mission is in addition to 800's traditional responsibility of responding to situations of national significance at the request of the Director or Attorney General, such as Mounded Knee or the prison riot at the United States Penitentiary in Atlants.

In 1988, 80d was called upon to respond to high-threat trials, seizures and arrests involving narco-terrorists, White supremacy groups and violent, professional criminals. This frequently required one or more six-man teams to respond quickly to a particular situation in a city or region. Current 80d members are located throughout the United States. With the heavy porkload in individual districts, it is difficult to get enough 80d members without adversely affecting district operations. Frequently, 80d teams are formed without having worked as a unit previously.

Examples of high-risk/threat missions accomplished by 80G are the following:

1) DOMERIC TRINGERS - Security for Levasseur trial in Springfield, Massachusetts 2) DOMERIC TRINGES SECURITY For White Supremacist trial in Fort Smith, Arkanase 3) NATCOLIG - Security for Qutierres trial in Los Angeles, California, (DEA Agent Camarena-Salazar murder trial) 4) NATCOLIG - Security for Qutierres trial in Los Angeles, California, Florida 5) International Trickiam - Completion of Carlos Lehder drug trial in Jacksovilla, Florida 5) International Trickiam - Security on Fawas Younis, alleged Lebanese hijacker in Mashington, D.C. 6) DOMERICAL and Puerto Rico 7) NATCOLIGE - asset seizure in North Carolina, code named "Operation River Rat" 8) DOMERICAL and Puerto Rico 7) NATCOLIGE - Asset seizure in North Carolina, code named "Operation River Rat" 8) NATCOLIGE - Asset seizure in North Carolina, code named "Operation (losse Comitatus) in Las Vegas, Nevada. 9) NATCOLIGE - Security for the Jerry Lequire trial, Montomery (leader of an international narcoction organisation charged with murder of a government witness and RICO violations).
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Program Changes:	1990		81	Rath	nate.	Ingres	5 80 /08	ZEBES.
	100		8	¥	Mount	102	걸	Amount
Judicial Security	513 52	513 522 \$39,645	296	563	596 563 \$44,345	83	7	83 42 \$4,700
For 1990 the Marshale Revulne remission by additional nostitions, 42 portugats, and 64,200,000 to seat a growth in workload	tan need	Flore 42 cover	-	7	700 000 +0	400	440045	Pacitation at

ror 1990 the Marenais Service requests 83 additions; positions, 42 workyesrs, and 84,700,000 to meet a growth in workload generated by the Administration's determined efforts to combat drug and terrorist activity.

The workload is uncontrollable because it is, for the most part, generated by other law enforcement agencies, especially the DEA, FBI, and Customs Service. As these agencies increase their efforts to apprehend and prosecute drug traffickers, the Marshals Service must handle an increasing number of lengthy and costly multi-defendant trials. Processing high-threat criminals through the courts takes additional staffing dedicated specifically to these cases. Without additional staffing and funding, the Marshals Service will not be able to provide an adequate level of security for these trials.

By the close of 1989, the War on Drugs, the Comprehensive Crime Control Act and other initiatives will result in the prosecution of scores of the most dangerous organised crime and drug figures. The severity of this situation cannot be

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overstated. In that year, time devoted to oriminal proceedings will be about 25 percent above the 1987 level. Likewise, total threats associated with high-profile trials will increase 25 percent, and resulting protective service details will be one-third above the 1987 level.

Eclipsing the growing number of banch hours is the increase in the number of "high risk" proceedings conducted by the courts. Sensitive trials are up by 35 percent. These types of proceedings require additional personnel in order to provide adequate security for the judiciary, prosecutors, witnesses and defendants.

Personnel resources provided to the 94 U.S. Marshals districts for court security are based on "normal" workload projections for criminal, civil and magistrate proceedings. It is impossible to predict where the "high risk" trials are going to take place. The Marshals Service addresses the location problem through its Special Assignment System, to provide "out-of-district" personnel on a temporary basis.

The Special Assignments system has worked well in the past, but the extraordinary increases in "high risk" proceedings have exhausted staff which could be safely diverted from other districts. For example, the everage weekly out-of-district staffing for 1987 was 52; in 1988 the figures <u>doubled</u> to 104. Without relief from this problem, the U.S. Marshals Service faces the possibility of having to priorities the protection it provides to the judicial process.

Historically, "high risk" proceedings could be handled by augmenting a district's resources with a handful of Deputies for a paried of two to three weeks. This is no longer true. Defendants such as Los Macheteros, the United Freedom Front, White nepremacks organisations and drug lords have organisations with national and international ties. They present security risks never experienced before, and the complexity of their cases orestes trials which last as long as 12 months. In fact, two security details involving individuals from international organisations have consumed 50 personnel per detail at different times during this year.

These groups present such a critical risk that the Marshals Service has deployed its Special Operations Group (80d) to assist that a telefact proceedings. 80d has traditionally activated its highly trained, rapid response teams only in instances of mational significance. In today's violence filled environment, however, their expertise is often needed to guarantee adequate security at judicial proceedings.

of this, \$2,500,000 will meet requirements associated with Special Assignments. Another 15 Deputy Marshal positions in the field, 8 workyears and \$500,000 will meet requirements associated with "backfilling" for Deputies assigned to Special Operations Couptens Group teams organized to handle "high risk/threat" situations or that adequate staff can be maintained to avoid disception and vulnerability during more routine proceedings. When a particular Sociam is not on a Soc mission, the U.S. Marshal Will use team sombers for routine missions within the district. This includes arrest warrants, movement of prisoners and extra security for drug trials. Each team will consist of a Team Leader, Marksman, and three Team Nembers. The Special Operations of the Special Operations are deam concept provides the opportunity to staff these teams with experts by allowing for "backfill" when Soc Deputy U.S. Marshals in the field, 34 workyears and \$1,700,000 are required to meet the increased demand for on-going district-based judicial security.

1989 Appropriation 1990 Base 1990 Estimate		Appropr	iation		990 Bes		7	PO RET	laste	Inores	Sed/se	444
	Log .	Ħ	Amount	Por	걸	Amount	102	껉	Amount	Por	Ħ	PORT MX AMOUNT
ADP and Telecommunications	•	•	88,440	•	•	\$9,166	•	-	\$10,860	:	:	006
		•		•				:			•	

Long-Ranga Goal: To provide all operational, administrative, and managerial functions of the Marshals Service with modern computer and communications equipment, software, and staff support to improve productivity and personnel safety.

Major Objectives:

To expand the radio and telecommunications systems to strengthen operational law enforcement capabilities.

To modernize district automation systems and complete office automation systems at headquarters.

<u>Basa Prodram Description:</u> The Marshals Service telecommunications systems provide rapid data/voice communications vis telephones, facelmile transceivers, and visual display terminal systems, as well as radios and base stations to support all Marshals Service missions.

The ADP support function is designed to implement and maintain automated systems necessary to support the Marshals Service mission and permit field offices to perform effectively. This is accomplished by systems development and hardware acquisition for all Marshals Service entities.

Accomplishments and Workload:

Iten	1987	1966	1982	2 1990
JUST and NLETS teletype messages	1,414,2010	1,435,414	1,456,945	1,478,799
NCIC olears and nits	5,942	6, 398	408.0	7,400
District Accounting - Phase I	5	\$	3	3
Prisoner Population Management- Phase II.	57	45	3	3
Warrant Information Network-Phase I	7.	ST .	3	*

* Actual figures were not available at the time of the 1989 Congressional submission.

The Marshals Service teletype communications system provides full service to field locations and is an integral part of the Justice Telecommunications Network (JTM). Every Marshals Service terminal can access the following information systems: (1) National Crime Information Center (NCIC); (2) State data banks via the National Law Enforcement Communications System (NLETS); (3) Treasury Enforcement Communications System (TECS); and (4) The Marshals Marrant Information Network (MIN).

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This year the STU-II Secure Telephone System was completed at all required locations. Each district also received upgraded telephone systems, including Eagle, Merlin and 1A2, because of the divestiture of AT&T and subsequent requirements to purchase telephone systems from 68A authorised venders through the Purchase of Telephone Service (POTS) contracts. In 1988, 269 Digital Voice Privacy (POYP) mobile vehicle redice were installed, 36 Base Stations installed, 31 repeaters installed and 272 DVP handbeld radice distributed to the field. The fixed equipment component is now 80 percent complete, and the hand-held radics portion is 37 percent complete. This system affords complete security and is the standard for emergency communications.

With respect to ADP, the number of districts on-line for the three major program areas (District Accounting, Prisoner Population Management and Warrant Information Network) increased from 15 in 1987 to 45 in 1988. These 45 districts, which generate the largest volume of transactions, now file their monthly accounting reports to the Department, and chack usage to the Treasury, more quickly man add with greater accuracy. The prisoner population management application was enhanced to capture the statistical information required by the Marshala Service Prisoner Operations blyision at headquarters. A number of improvements in the Warrant Information Network (MIN) were made in 1988, including conversion from using dial-up telecommunitation to using the Justice Communication Network (MIN) were marked afforded Deputies quicker. Assist accessed to a new super-information and enhanced their ability to capture fugitives. Additionally, the MIN system was transferred to a new supermicrocommuner to relieve existing load and increase computer response time. In so doing, the portability of the software was demonstruted as was the capability of processing on two machines, ensuring continuous processing when a processor fails.

Several applications (Jail Contract Management System and Pederal Excess Property) also were transferred from outdated computer technology to the Service's current standard processing equipment, facilitating both maintenance and future enhancements. Finally, district computer configurations to support the Seized Assets Management System (SAMS), currently under development, will, in conjunction with a future version of the District Accounting System, enable the Service to inventory all seized assets and account for associated management, custody and disposal expenses by seized asset.

Program Changes!	7881	Bass		20		Inore	AG/SE	DEBARA.
	Por	Pos. MX Amount		Ħ	Post. MX Amount		Ħ	Post. WX Amount
ADP and Telecommunications	•	1 49,160	8 \$9,166 8 8 \$10,066			:	:	006\$
The formation of the state of t	1	1	14	1		4	7	14000410

An increme of \$900,000 is needed for automation to enhance program operations. These improvements includes automation of the presence transportation scheduling activities development of a centralized database, purchase of hardware and development opposedures for a Defendant Based Tracking System at the district level, and expansion of Marrant Information Network's (MIN) central processing capability.

Automated scheduling of prisoner transportation optimises time and cost savings. The Defendant Based Tracking System will provide the Marshals Service and all other Justice law enforcement agencies the capability of tracking the prisoner population as it proceed through the criminal justice process. And, an expanded centralised warrant data base is essential for timely apprehension of fugitives.

	2	1989 Appropriation Anticipated	iation		1990 Ba	1990 Base	֓֟֝֟֝֟֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓	1990 Estimate	nate	Inores	Ingresse/Dagres	Zeass.
	ā	Pos. WX Amount	Amount	Post	겈	Pos. W. Anount	Pos	Ħ	Pos. WX Amount	á	덫	Pos. MX Amount
upport and Training.	168	162	\$6,066	168	162	\$6,588	168	162	\$6,588	:	:	:

Long-Randa Goal: To provide the requisite operational training for all employees and financial disbursement management training for field office administrative staff.

Major Objectives:

To develop and improve the Marshals Service's programs by providing training courses.

To collect and disburse funds in field offices in a timely and efficient manner.

Bass Program Description: This program provides financial support and develops, conducts and oversees the training of Marshals Service personnel. Field Support responsibilities include prompt payment of debts and collection and deposit of funds due the Government by law or court order. Training responds to ever-increasing desands by the judiciary and law enforcement agencies for courses of instruction to produce a highly competent and professional workforce capable of performing assigned tasks efficiently, effectively and safely.

Accomplishments and Workload:

			Rett	Mates
Itan	7867	1988	1282	1990
Check Issuances	262,401	294,000	329,280	368,793
Vouchers Certified at Field Offices	166,313	188,000	210,560	235,827
Basic Deputy Marshal Training rod	250	181	240	370
Advanced Training received	384	551	1,002	1,002
Supervisory Management Training rcd	136	140	195	195
Chief Deputy/Management Skills Training received	25	č	115	115
Special Operations Group			1	;
Training received	175	145	1C 00	10 100 100

In 1988, the Marshals Service improved the accounting and reporting system for the collection and disbursement of funds in the district offices by processing over 188,000 vouchers and issuing some 294,000 checks worth \$405 million. Collections for 1988 vere \$406 million. In October 1988, the U.S. Attorneys assumed responsibility for its vouchers and drafts, but this loss is more than offset by the increase in financial transactions generated by seized asset activity.

Training is an essential ingredient in the quality of law enforcement. The Marshals Service has developed the most advanced training program in its history, employing a combination of computer systems, dedicated instructors, and priority attention to the training mission.

During 1988, the Service's Training Academy trained 1,476 law enforcement personnel in 69 separate schools and conferences, a total of 20,060 student training days at the Federal Law Enforcement Training Center (FLETC). In 1988, four Criminal Investigator Schools and four followed four Advanced beauty Schools were held. Specialised advanced training included four Advanced caployees, one Administrative incorporated protective services training, one Asset Selsures and Porfeiture Schools for MAAAP Instructor Training Programs, three Mutional Asset Selsures and Forfeiture Schools for field administrative personnel, two Services Services Schools for field administrative personnel, two Security Seminars, three State and Local Pugitive Investigators Couract Schools for Marshall Orientation, and, two Witness Security Seminars, three State and Local Pugitive Investigators Couracts one U.S. Marshall Orientation, and, two Witness Security Seminars, three State and Local Pugitive Investigators Couracts, one U.S. Marshall Orientation, and, two Witness Seconds In anti-terrorist Engagement Training Conter schools in anti-terrorist Engagement, the Arranged for Marshals Service employees to attend Federal Law Coular Califors Instructor training. The average collar crime, and law encomment Spanish training as wall as Bureau of Prisons detention officers training. The average court was \$1,586,

The Special Operations Group (800) Training Center at Camp Beauregard, Louisians, provides the Marshals Service with a facility for training operational personnel in officer survival techniques and related advanced law enforcement. All training of state, local and foreign government law officers done by 800, is done on a fully relaburable basis. 800 continues to train others, such as the Bolivian and Equadorian Mational Police, in areas such as: officer aurvival tactics, marksmanship, organising a tactical unit, assaults and barricades, and operational planning.

In 1988, the Employee Development Division trained 279 employees in areas ranging from fitness to planning retirement. This Division is responsible for identifying and providing all standard employee training needs.

	1989	Appropri	ation				•					
					7880 54			PSO Ket	MEG	Ingres	Ded/el	
		翼	Post. MX Amount	Po	걸	Amount		Ħ	Post, MX Amount Post, MX Amount Post, MX Amount Post, MX Amount	Por.	걸	
Handling of												
Federal Prisoners		983	\$61,242	973	1,008	\$66,753	1,056	1,049	\$68,833	69	=	42,0
* Program changes (no) ude management and mandicativities and mandicativities	- 1	ond had	Accept to the	1	44			•	•			

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> Management and productivity savings of three positions, three workyears and \$23,000. * Prograi

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<u>Appg-Ranga Goal:</u> To ensure expeditious and secure custody and transportation of Pederal prisoners and to acquire sufficient and acceptable detention space for Federal prisoners in non-Federal facilities.

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tior objectives:

To obtain adequate, secure detention space in Pederal court cities for the efficient production of Federal prisoners in accordance with court schedules.

To receive and process all Federal prisoners remanded to custody and transport them safely and securely within court-imposed deadlines.

To expand the National Prisoner Transportation System (NPTS) capabilities to further reduce costs and increase services to other Federal agencies on a relabursable basis.

ğ To reduce staff time, travel costs and juil expenses associated with the production and transportation of prisoners improving scheduling and processing techniques and maximising the use of mass transportation systems.

To maintain an automated prisoner management information system to monitor Federal prisoner populations, and to reduce transportation expenses.

To develop and implement the Prisoner Automated Scheduling System (PASS) for moving Federal prisoners.

To inspect jails for compliance with Federal, State and local detention standards and to assist in designing and implementing improvements to conditions of confinement, thus reducing adverse court orders and insate litigation.

To administer the Intergovernmental Service Agreement, the Cooperative Agreement, and the Federal Excess Property Programs to obtain adequate detention space in Federal court cities.

To ensure that prisoner handling areas and detention cells meet minimum National standards for safety, health and security.

Rame Program Description: This program supports the Federal judicial system through the timely receipt, administrative processing, and production for judicial proceedings of all prisoners in Marshals Service custody; the transportation and movement of federal prisoners within district and via the NPTS; and the supervision of unsentenced prisoners.

Individuals arrested or detained for violation of Pederal statutes are remanded to the custody of the Marshals Service. Address districts for observation, and service of sentence. Short-distance prisoner are completed by district personal using government vehicles. Long-distance prisoner moves are done via the NPTS, which includes aircraft, as well as supporting bus, van and small plane feeder systems.

The Marshals Service also has the responsibility for acquiring detention space for unsentenced Federal prisoners and administering the Cooperative Agressent and Federal Excess Property programs. These programs were specifically designed to improve the level of inmate services, halt the loss of jail space, and obtain quaranteed space for prisoners in Federal court cities.

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Accomplishments and Workload:

			74-8	1
Item	1887	1988	1989	1990
Number of prisoners produced	298,467	378,400	443,700	554,400
Total number of prisoners moved	99,346	113,100	126,900	142,500
Number of prisoner moves via MPT8	83,907	94,600	106,700	120,400
Number of tribs required	14,179	16,200	18,100	20,300
Jail agreements in force	825	828	080	778
USMS and Courtroom datention cells/prisoner handling areas renovated	6	194	19	32

Bleven of the projects were forced moved projects which did not require Marshals Service funding.

In 1988, the Marshals Service received 82,200 individuals charged with violations of Federal law. Approximately 75 percent were committed to local contract jails. On the average, each prisoner is produced five times for appearances at detention hearings, trials, other court proceedings, medical care, or transfers between detention facilities.

By 1990, the Service will be faced with unprecedented prisoner handling and security requirements generated by continued emphasis or drug prosecutions as well as the Comprehensive Crime Control (CCCA) and the Sentending Reform (SRA) Act. The demantis growth in the Service a everage daily prisoner population levels as well as prisoner production requirements provides justification for the resource increases requested.

Based upon current budget estimates, the Service's production requirements will increase 86 percent from 1987 to 1990. The CCCA has reduced the number of persons placed on bond and, therefore, increased the Service's average daily prisoner population dramatically. Just as significant is the impact of 8RA, which increases productions before sentencing and has increased the average stly prisoner levels reveals the tenegration time for the pre-sentence report. The Service's continued growth in its average daily prisoner levels reveals that the Comprehensive Crime Control Act of 1984 (CCCA) continues to affect production requirements. From 1984-88, the average daily prisoner provisioner of CCCA. In November 1988, the average daily prisoner provisions of CCCA. In November 1988, the average daily prisoner provisions required an all-time high of 9,764, 34 percent higher than the last year's population of 7,284. Further, the number of productions required per prisoner grew dramatically. The daily prisoner population is projected to reach 12,800 by 1990 due to continued effect of CCCA and the full impact of the sentencing Reform Act (8RA). The 8RA will increase the average enthen of the sentencing hearing which follows conviction. Additionally, in some instances, special evidentiary hearings will also be held which will affect the computation of the sentence.

The NPTS made improvements from 1979-1988. NPTS prisoner movements increased 201 percent (from 31,407 in 1979 to 94,647 in 1988) while escorting-Deputy workyears decreased by 55 percent (from 274 in 1979 to 123 in 1988). To accommodate this transnoon in the prisoner population, NPTS implemented plans to satisfy growing transportation requirements. In 1988, the Service deployed a second large aircraft. With deployment of this service to an additional 16 cities, a total of 33

53

NPTS is one of the most valuable resources available to the law enforcement community because it transports large numbers of dangerous prisoners safely, within court-ordered deadlines, at a <u>fraction of the commercial cost</u>. The cost per-prisoner-moved is \$12,000 - fifth the cost of commercial at transport and associated guards. In 1988, over 90,000 prisoners erre moved. WPTS played a significant role in the Cuban prisoner ricks; it transported detainess from Oakdale and Atlanta to other Federal prison facilities nationwide at the end of the disturbances.

Program Changes:		7 066	Perm.	Perm.	Est is	ate	Increa	Q7	Increase/Degreese*
	102	Ħ	Amount	POE	2	Mount	Poe	걸	Amount
Handling of Pederal Prisoners	973	1,008	973 1,008 \$66,753	1,056	1,049	1,056 1,049 \$68,833	83	7	83 41 \$2,080
*Program changes include management and productivity savings of three positions, three vorkyears and \$23,000 that vill be realized through continued improvements in prisoner transportation scheduling.	ductivity prisoner	savir trans	ngs of three portation sch	positions eduling.	three	vorkyears	and \$23	000	that will be

The Narshals Service requests 83 positions, 41 workyears and \$2,080,000 for a comprehensive package to address known requirements to ensure safe prisoner movement, and provide necessary operational support to perform an ever-increasing prisoner production workload. The request contains two major areas—repisoner handling requirements and MPTS. An additional 34 positions, 12 workyears and \$600,000 are needed for the National Prisoner Transportation System in order to provide funds for dedicated fight crews who will have full responsibility for operating the major aircreft. Prisoner production, transportation and added safety requirements ane additional 54 Deputy marshal positions, 27 workyears and \$1,380,000. These productions will meet the increased prisoner production workload (an increase of 46 percent from 1988-1990) and ensure that these productions are performed safely.

New detention space in State and local facilities must be rapidly expanded because of the expected growth of the unsentenced prisoner population. The CAP Program funding level, as well as the staff to effectively manage the program, must be expanded. In support of this effort, five positions, two workyears and \$100,000 are requested for CAP negotiations, awards, project impections, processing of relaburasments and performing joint planning for detention facilities with the Bureau of Prisons and the Immigration and Naturalization Service.

The significant increase in criminal proceedings for drug traffickers and organized crime members has generated extraordinary prisoner detention and transportation demands on the Marshals Service. Almost 70 percent of prisoners in Marshals Service custody are in custody because of drug-related charges. From 1988 to 1990, the average langth of stay will jump from 36 to 48 days. Recent high-security trials in Ft. Smith, Arkansas (the Scutari sedition trial), Springisid, Massachusetts (the Lavasseur terrorist group trial) and Reno, Nevada (the Rupley organized crime trial) have placed heavy demands on prisoner production and detention resources.

		Appropriation in the contract of the contract	Топ		1990 Base			990 Es	inate	Incre	ed/ess	Grease.
		Pos. MY Amount	Amount	Por	t Pos. Mx Amount		Por	Ħ	Porn. Pos. MX Amount.	Por	Ħ	Por. WX Amount
Organized Crime Drug Enforcement	13	13	\$903	:	:	:	:	:	:	:	:	
*Bedinning in 1990, resources for the Organised Crime Drug Enforcement program are proposed to be transferred to the Organised	for th	• Organise	d Crime	Drug 1	Inforcement	program	are pr	pesod	to be transf	erred to	the o	rganised

Beer

eBeginning in 1990, resources for the Organises Grup annual ensure program Crise for 1988. Crise Drug Enforcement appropriation pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988.

Long-Ranga Goal: To support enforcement and prosecutive efforts of the drug task forces.

To contribute to the coordinated drug enforcement effort in each OCDE Task Force region.

To use financial investigative techniques and asset seizures to ultimately forfeit to the Federal Government profits derived from organised orime and narcotics trafficking.

To provide an effective lisison between the Marshals Service and the OCDE Task Forces.

<u>Accomplishments and Morkload: Marshals Service investigators are assigned to the OCDE Task Forces and are supervised by Task Force Force officials. Each Task Force workload and activities involving all participants. It does not provide specific Marshals Service data.</u>

	7	15 S	Appropriation Spated		1290 Bane		7	1990 Estimate	mate	Incres	ped/es	COARC
	Po		W Amount	Perm. Ros.	Ħ	WX Amount	Por.	Ħ	Perm. Pos. MX Amount	Por.	걸	Amount
District of Columbia Superior Court	108	104	94,446	108	104	\$4,828	108	104	104 \$4,828	:	:	:

Long-Range Goal: To provide to the Superior Court of the District of Columbia services usually performed by a local sheriff. Major Objectives:

To provide security throughout the four Superior Court Buildings and for the judicial activities conducted there.

To serve process for the Superior Court.

To produce prisoners for the Superior Court.

To refine the organisational structure in order to improve the quality, efficiency, and accountability of services provided to the Superior Court.

Accomplishments and Workload:

			17478	
Itam	1987*	1288	1989	1990
Number of prisoners received	:	74,146	76,370	80,819
Number of prisoner productions	•	138,852	155,514	180,396
Eviction orders received		21,598	21,598	21,598
Eviction orders executed	:	3,066	3,066	17,000
Process received	:	9,324	9,510	986'6
Droces served		K. 882	5.882	7.823

* Prior to 1988, detailed workload data was not collected specifically for D.C. Superior Court.

The office of the U.S. Marshal for the Superior Court in the District of Columbia performs work which is mainly local in nature because, in the absence of a sheriff or similar local authority, the Congress directed the U.S. Marshal to serve the courts for the District of Columbia.

The D.C. Superior Court has 51 judges, 14 (magistrates) commissioners, and 14 judges in senior status in 52 courtrooms, located in Cour separate buildings. It operates six days a week, including all holidays, not the standard five-day week of most fred to courtrooms and the court handles a wide variety of judicial access including; Citalial 2 forton 1 and 11.4 Accelerated Felonies, and U.S. Misdemeanors involving injury); Civil I, major actions above \$2,000, and Civil II); Felonies, Traffic Felonies, and U.S. Misdemeanors involving injury); Civil I, major actions above \$2,000, and Civil II); Felonies, Contested of Cortested outstody, etc., Desetio Rahtions Trials, and Teally Trials); Commissioners (Commissioners) and Early Trials); hearts hearts hearts, and Indianary heartings, arraignments, and family hearings); and Early Trials.

The Marshals Service supports the D.C. Superior Court with a full range of services, for a workload which rivals that of any other major metropolitan area including New York and Los Angeles. Nearly 139,000 prisoner productions are made on behalf of the court ach year, an average of over 500 a day. The Marshals Service caliblock also receives 6,200 prisoners per month from the District of Columbia Metropolitan Police Department and the D.C. Department of Corrections (including the D.C. Jail, Lotton Prison, and other state and Pederal institutions).

The Marshal Service handles all Superior Court-ordered evictions. This year, the office received nearly 1,800 eviction writs per month, a marked increase over the 1,600 writs received monthly in 1987. Despite the fact that writs executed per month have increased from the 1987 figure of 228 to 1988's 370, the end-of-year backlog grew (from 1,830 to 1,860).

The warrant squad for the district is staffed by six Deputies scheduled and paid to work from 6:00 a.m. to 2:30 p.m. They are required to serve all process and execute all warrants which cannot be executed by mail. On most days, they serve in the courts as scheduled, yet work (on paid overtime) until 5:00 p.m. Even so, 3,400 court orders will be backlogged in 1988.

. 12.55 - The Nation's Capital is now the "Nation's Murder Capital" with a murder rate, most of which is drug-related, 50 percent higher than last year's. The trials of the defendants in these cases, with all the attendant risks, fall on the District's already overburdened staff. The staffing shortage necessitates the common practice of one Deputy escorting tan prisoners through the Courthouse when moving them from the cellblocks to the courtroom. This endangers both the judiciary and the general public.

Long-Range Goal: To seize the assets and proceeds of criminals for forfeiture to the Government.

Maior Objectives:

To seize, inventory, safeguard, preserve the value of, and dispose of, targeted assets in a timely and appropriate manner. To ensure sound pre-seisure planning, so that liability assets are not seised inadvertently and seisures are carried out effectively and at minimal cost.

Accomplishments and Workload:

Itan	1987	1988	1982	1930
Total properties seized	12,16	21,809	28,800	35,420
	5,200	17,528	16,761	34,700
	3,430	5,586	7,600	7,600
	3,436	7,120	11,300	20,700

U.S. Marshals saise property when directed by a Federal Court and take custody of all non-evidentiary seized cash and all real and tangible property seized by the FBI, DRA, and INS, except for properties selected for placement into official use after forfeiture to the Government. U.S. Marshals also manage property targeted for forfeiture in judicial forfeiture actions originating with non-Justice investigations, e.g., IRS money-laundering investigations and U.S. Postal Service anti-pornography RICO investigations. In 1988, Marshals Service seizures nearly doubled those of the previous year. Seizures will double again Marshals Service in 1986, to 35,420 in 1990. That is more than seven times the properties seized by the

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Forfeited cash and sales proceeds reached an unprecedented \$206 million in 1988. The forfeiture sales of valuable businesses, homes, expensive jewelry, conveyances and other personal property generated approximately half of this income. Forfeited cash managed by U.S. Marshals generated the remainder of income for 1988.

Real property and business seisures, which account for a third of all seisures, are always significantly more complex to hold in custody than seisaed cash, conveyances and other personal property. For example, in <u>U.B. W. Torras. at al.</u>, the two Torras brothers and 12 of their co-conspirators were convicted in July 1988 in the Southern District of Mew York of conspiracy to distribute heroin and related orimes. As the judge in his remarks at the sentending said, "The complete list of the orimes for which the descendants were convicted reads like an emprojolophila of marcotics—related wrongloing. The Torres or cognisation existed solely to make its members wealthy, and one result of their conviction was their forfeiture of a shopping center, sowling alley, three gas stations and seven residences in Puerto Ricc, luxury sports cars, a yacht, expensive jeesiry, and over \$600,000 in cash. Assistant U.S. Attorneys and U.S. Marchals in New York, Mami, and San Juan conducted inventories, and commenced inventories, identified and resolved third-party interests—including liamboiders, taxing authorities, and family members. These are time-consuming activities in even the most straightforward saisure.

		Anticipat	8		1990 Be	100		PPO Kati	nte	Increa	ISAD/81	3375
	ā	Pos. NX Amount	Amount	Poer	Ħ	Post. WX Amount	100	X	POEL MY AMOUNT POEL MY AMOUNT	Por	걸	Amount
nistraction	78	96	\$7,704	75	75	\$7,077	78	75	\$7,077	:	:	•
Panta Coll for minn decelor motivate manner manner trained and administration assentants assentant to an automorphism	. molemp	40,000	diname		4004	the same	44 44				4	

1989 Appropriation

Long-Range Goal: responsibilities.

Major Objectives:

To provide executive leadership and policy guidance to operational and administrative staff for efficient and cost-effective operations.

To ensure a high standard of integrity, loyalty, and conduct among all Marshals Service personnel.

To disseminate information about Marshals Service activities to employees, public officials, other agencies and the public.

To provide efficient and effective personnel management.

To assess personnel and financial resource needs by program, obtain adequate resources and manage them effectively.

To maintain an effective Equal Employment Opportunity program.

To procure and maintain equipment, in support of district and headquarters requirements.

To improve overall management of, and accountability for Marshals Service property.

Markhals Service and are controllies of the Management and Administration program reflect the diverse mission of the Markhals Service and are consistency in the application of Markhals Service and are organized provided in the policies and procedures. This streamlining of staff management functions minimises the time line managemen in the 94 district offices must spend on administrative matters. Activities included in this program are Executive Direction and Control and Administrative Services. Executive Direction and Control provides the essential direction and management needed to facilitate the successful accomplishant of operational missions. Administrative Services provides those services necessary to support the operational divisions, enabling them to perform with a high degree of sefety, effectiveness and efficiency.

Accomplishments and Workload:

			+	· funtas	
Item	7887	1988	1989 1990	1990	
Printed Products	510	1,100	1,200	1,300	
Public/Congressional information dissemination	ه د د د	1,631,847	2,000,000	2,000,000	
Secretaring Investigations	120	900	7 7	1,003	
MEO COMPLETICE filed	9	(S	2	200	
Property Actions completed	7,500	8,000	8,500	11,000	
Minor office renovations	150	167	210	210	
Number of Contracts	33	*	104	147	
Number of Modifications to Contracts	192	210	247	292	
Number of Sasil Purchases.	2. KOB	7.238	4.011	4.974	

In 1988, the Legal Counsel staff responded to 200 tort claims; 25 employee claims for property damage; 60 personnel actions in administrative proceedings and arbitrations; fasued 220 legal opinions; processed 825 Freedom of Information and Privacy Act requests and appeals; and handled the paparwork on 190 matters in litigation in Federal Courts. In addition, the Office of Legal Counsel was involved in 130 contract reviews or related proceedings.

The Office of the Assistant Director for Inspections completed 193 criminal and administrative investigations of the conduct of Marshals Service employees. As a direct result of Audit Staff audits, savings were incurred through implementation of tighter controls over billings for contracted services, storage and disposal of evidence and seaked property, personnel allocations, overtime and collection of past due fees. The Office of Internal Security initiated background investigations and updates on Service personnel. The Marshals Service personnel security program was enhanced through implementation of a Suitability Review Panel, drug questionnaires, and, on selected cases, security interviews of Service applicants over ADP computer applications, implemented a recurity awareness program, and controlled classified documents.

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Last year, the Personnel Management Division made three district assistance visits to assist the U.S. Marshal and provided supervisory and general personnel assistance training. The Division implemented its automation plan, purchased computer equipment and software and provided ADP training to staff.

In 1988, the Employee Development Division designed and administered another Chief and Supervisor Deputy U.S. Marshals Merit consocial to the tost for approximately 1,000 employees. The Service emphasized minority recruiting. The Division was authorized to administer a Deputy U.S. Marshal exam, to be given frequently and in selected urban areas. Over 650 applicants were interviewed in 1988; and 200 new Deputies were hired.

The Resource Analysis Division produced a variety of reports, notably for the allocation of full time permanent positions among the 94 field offices, the annual "Director"s Report" and "Report to the U.S. Marshals." Data collection was improved in 1988 you so of the teletype terminals in all districts. The collection time was reduced from 4-6 months to 4-6 weeks and the quality of data improved. A new system for USMS court security activities was implemented which produces summary reports in three operational areas. A monthly "Meadquarters Report" covering all program areas was implemented to improve the timeliness and availability of data for top managers.

The Office of Congressional and Public Affairs coordinated internal and external communication activities, represented the Service in legislative matters and provided responses to Congressional inquiries. Public interest in the national observance of the intentennial of the U.S. Marshals will generate more communications during 1989-90 with members of Congress, the news media, and the general public.

The EEO Advisory Committee compiled affirmative action objectives to provide EEO training and eliminate under-representation minorities and women in the Marshals Service. The cooperative education program was reestablished to recruit qualified minorities for Deputy U.S. Marshal positions. The Office of EEO completed 45 cases in 1988.

A number of events have been planned to commemorate the Bicentennial of the U.S. Marshals: in cooperation with the U.S. Marshals Foundation and the Saithsonian Institution, the Marshals Service is organizing a traveling museum exhibit to visit 13 museums across the country, and a smaller version of the exhibit will be displayed in other locations. Also, the first general history of the Marshals Service will be published.

The General Services Support Program experienced workload increases in the areas of transportation, space management, renovations, and materials management. In 1987, program personnel managed over 1,400 vehicles and 435 facilities, monitored over 135 major GSA construction projects, funded 150 minor renovation projects, completed 8,000 accountable property transactions, filled 12,000 individual requests for stock items and handled 510 printing orders.

The Padilities staff completed the relocation of the Marshals Service headquarters staff and warshouse into new fadilities. Through a delegation of Authority from GBA, it also entered into lesse agreements for aircraft hanger facilities in Oklahoma Tarrough a delegation of Authority from GBA, it also entered into lesses after a deup, champ Bearegard, Coulstans and for aircraft hanger facilities in Avoca, Panneylvania. During 1988, the Facilities attaff coordinated design and construction of 146 major renovation projects and 160 minor renovation projects. Major new construction work was completed in 13 offices.

These projects included design and construction of new office space, prisoner detention areas, prisoner/attorney interview rocms, vaults and fitness areas.

In 1988, the Printing and Distribution Branch was established to centralise all such services for the headquarters. An in-house printing distribution section and high-speed xerographic equipment unit were also established. This ability has created greater demand for printed products, especially by the Training Academy, that will grow to 1,300 in 1990 even with the Bicentennial over.

The Budget Division is responsible for all budget submissions for the U.S. Marshals Service, Support of Prisoners and the Asset Porfeiture Pund and coordinates the submission of the Court Security appropriation with the Administrative Office of the U.S. Courts as well as the protected witness component of Fees and Expenses of Witnesses. In 1988, the Budget Division transmitted transfers between Readquarters to the district for the various appropriations. It also processed over 40,000 separate transfers between Readquarters and the field to fund special out-of-district assignments for high-profile triansfers are anticipated. The Division also overses budget execution for 18 relaburessments totalling over \$10 million. Other transfers covering transportation of prisoners, training, awards, repairs, 80d assignments and miscellaneous involved 26,500 transfers in 1988. In 1990 these other transfers will increase to 34,500.

In 1988, contracts for Court Security Officers (CSOs) expired in virtually all of the 94 judicial districts. The Procurement Division restructured these contracts to make contract administration more effective and to require specific vendor personnel bushed to monitoring them. All districts are now served by competed contracts regionalised for 18 regions. Substantial progress in developing standardised contracts to support the Saized Asset Management Branch has been made. These include contracts for the storage and sale of vehicles, real property management and autitions. A procurement training course for USMS managers servicewide was devised and initiated. Procurement Division policies and procedures were developed and revised for contract award and contract administration. The total amount awarded in contracts and small purchases during 1988 was \$46,256,000 and is expected to rise to \$64,660,000 in 1990.

In 1988, the Finance Division assisted in the development and implementation of the District Accounting System by targeting resources for specific districts, by completing the conversion of 8 districts from a centralised processing system to local processors and by advising on certain alterations in the system that will improve its effectiveness. For 1990, 35 additional districts now conducting their financial affairs manually, are scheduled to receive the automated system.

Program Changes:

to the For 1990, no additional resources are requested for this program, however, this request includes a 10 percent reduction to legislative and public affairs program levels based on administration policy. This reduction vill be distributed to other programs within the Management and Administration decision unit.

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United States Marphale Service Salaries and expenses Financial Analysis - Program Changes (setters in tresents)

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Lapso (-)	9	3,183	:	:	(29)	(1,273)	:	:	ĝ	(3,430)
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abligations 1990	3	6,7	:	8	5	2,103	6	â	\$	2,680

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United States Marshals Bervice

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United States Merahala Bervice Salaries and appenses Justification of Adjustments to Bees (Bollers in theusands)

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to be effective January 1, 1990. The requested increase of 85,519,000 is the smount required for full-year funding in 1990.	3. Special balary Astes. This request provides increases as extrocited by lear in 5 U.S.C. 5303. The Office of Personal Research (SPM) has approved these rates for positions of admitted applicants is a problem. The Department's request represents represents coverage of 30 special rates.	4. Withir-grade increases (MI). This request prevides for the expected increase in the cost of withir-grade increases. This fincrease is based on a dynamic model of actual Department requirements.	5. Nealth Benefits. The Foderis Believes Nealth Benefits Act (D.1. 95-364) provided that the downward's above or health instructe would be 60 percent of the total rests comment's above or health instructe would be 60 percent of the total rests commenting in 1973. Highlight was period refer shruney? I 1980, the extell correlation to health instructe increased 30 percent. In oddition, Only has indicated that it articipates an increase of at least 5 percent by 1990 dat to premion increases. The requested 15 percent by 1990 and for the month increases. The requested its committed 2, projected for a full year plus the suffices 150 percent increases predicted by ON for 1990. The actual increases increases increases	 Paderal Employee' Compensation Act (FECA)-Unemployment Compensation. This intrases reliefes the billing provided by the Department of Labor for the actual costs in 1988 of employeest unemployment compensation. The 1990 mmsurt will be \$50,000 or \$20,000 ever the 1988 base. 	7. 88A Next	8. GBA recurring relaborable services

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ż	Mail-field investigations. The Office of Personnel Namemore (OW) has notified users of an except of 11.5 persons increase in the stended rate charged for various types of fedi-field investigations. An increase of \$174,000 will be required in 1990.	:	:	ž
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68-8, 821,590-26,070	8		88		ŝ		: :	
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68-6, 617,542-22,807	<u> </u>		<u>z</u> :		≱:		፧	
68.5, 815,736.20,460	35		22		35		: :	
68-3, 812,531-16,293	•		•		,•		::	
Ungraded positions	•		•		•		:	
Total, appropriated positions	2,84	867,535	2,947	087,548	3,100	\$106,950	2	27,12
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Net full-time permanent	2,5	62,559	2,016	91,512	2,927	102,298	Ξ	10,786
Other than permanent: Partition permanent:	=	111	*	3	2	167	:	^
Temporary employment	**	3	:83	\$	*8	8 :	:	ድ:
Other Designation and Intermittent employment	*	8	24	, .	*	1,032	:	8
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Total, workyears and personnel companiestion	3,167	101,902	3,314	111,298	3,448	123, 191	ž	11,893
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United States Marshals Service Seleries and Expenses Schedule of Aircraft (Bollers in thousands)

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Total aircraft	•	2	~	4	=	=	=	Ī.	1,907*	:	<u>,</u>

* This sirraft was acquired in 1988 as a Lease/Purchase. Lease payments in the amount of \$1,907,448 will be made in 1990 for this sirraft,

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Department of Justice United States Marshals Service Support of United States Prisoners Estimates for Fiscal Year 1990

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United States Marshals Service

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Support of United States Prisoners

Summary Statement

Fiscal Year 1990

For 1990, a total of \$147,034,000 is requested for the Support of U. S. Prisoners appropriation. Of this amount, \$132,034,000 will be used to pay for the support, housing and safekeeping of Pederal prisoners in Marshals Service custody and \$15,000,000 will be for the Cooperative Agreement Program (CAP). The major initiatives and resource requests are summarized below.

Care of U.S. Prisoners

This activity is responsible for providing adequate medical care, hospital and detention facility guard services, and housing and subsistence for Federal prisoners in the custody of the Marshals Service. Detention of some 60 percent of unsertenced Pederal prisoners in Marshals Service custody is accomplished through the negotiation and administration of approximately 900 egreements with State and local detention facilities located throughout the United States. The balance are dispersed in Bureau of Prisons facilities at no cost to this appropriation. During 1990, this program will require \$120,303,225 for 2,794,500 jail days at a projected daily rate of \$43.05, and another \$11,730,775 for medical care, guards and associated expenses.

Cooperative Agreement Program

The Cooperative Agreement Program (CAP) obtains guaranteed housing for Federal prisoners in State and local detention facilities in or near Federal court cities. At the same time, CAP funds improve the conditions of confinement in these facilities in accordance with national, state and local detention standards. This program also provides for the Requisition of excess Federal property and technical assistance to State and local governments which provide housing for projects with State and local governments.

United States Marshals Service

Support of United States Prisoners

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

\$147.034,000 \$15,000,000

Support of United States Prisoners

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which shall which not to which not to ble under the	the purposes of phing State and wided, that ting any local seed the cost of Federal it has facility, correctional lity of the correctional lity of the the per diem isoners in the ating costs for cooperativo
For support of United States prisoners in non- Federal institutions, [\$93,700,000], which shall remain available until expended; of which not to exceed [\$5,000,000], shall be available under the	Cooperative Agreement Program (for the purposes of renovating, constructing, and equipping State and local correctional facilities: Provided, that amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal correctional facility shall not exceed the cost of constructing space for the average Federal bytaner, population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: system, as projected by the Attorney General: space acquired for That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative
For support of I Federal institut remain available exceed [\$5,000,0	Cooperative Agrerators renovating, con local corrections for corrections for constructing species of in other faster, as projected further completion of at a construction of the construction of the construction of the period of tis agreement).

118 U.S.C. 4001-4003, 4006-4009, 4013, 4042, 4082, 4085-4086, 4125, 4282-4283, 4285, 5040; Department of Justice Appropriation Act. 1989; additional authorizing legislation to be proposed.1

W. C. C.

[For an additional amount for "Support of United States Prisoners", \$16,400,000, to remain available until expended, notwithstanding any designations contained in other titles of this Act: Provided, That of the amount appropriated, not to exceed \$4,100,000 shall be for the Cooperative Agreement Program]. (Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse.)

Explanation of change

The change deletes language that is included in Title VII, Death Penalty and other Criminal Law Enforcement Matters, of the Anti-Drug Abuse Act of 1988.

United States Marshals Service

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Support of U.S. Prisoners

Crosswalk of 1989 Changes (In thousands of dollars)

Act	Activity/Program	1989 President's Budget Reguest	Congressional Appropriation Actions on 1989 Request	Reprogrammings	1989 Appropriation Enacted
ä	1. Care of U.S. Prisoners	\$ 98,265	\$2,735	:	\$101,000
	2. Cooperative Agreement Program	20,000	-10,900	•	9,100
	Total	118,265	-8,165	:	110,100

Congressional Appropriation Actions The Department of Justice Appropriation Act, 1989 and Title X, Supplemental Appropriations, of the Anti-Drug Abuse Act of 1988, provided \$2.7 million more than requested for the Care of U.S. Prisoners and \$10.9 million less than requested for the Cooperative Agreement Program. This resulted in the net reduction of \$8.2 million to the President's budget request.

Support of United States Prisoners United States Marshals Sarvice Sussary of Requirements (In thousands of dollars)

1996 1990 1990 1990 1990 as 1990 1990 action by budget activity	1988 Enacted	1988 Actual	1989 as Enacted	1990 Bass	1990 Estimate	Increase/ Decrease
betimates by budget activity 1. Care of U.S. Defended in non-pedage.	•			• •		
institutions	\$92,046	\$88,055	\$101,000	\$103,648	\$132,034	28,386
perative Agreement Program	5,000	7,630	9,100		15,000 15,000	15,000
HOTE	97 046	95.685	110.100	017 500	140 616	700 67

Inc./Dec.

1990 Estimate

1990 Base

1989 Appropriation Enacted

Support of United States Prisonery

United States Marshals Service

Justification of Program and Performance

Activity Resource Summary (In thousands of dollars)

Ing./Dag.	\$28,386 15,000	48,386 in U.S. Marehale	eral prisoners in
1990 Estimate.	\$132,034 15,000	147,034 Federal prisoners	nteed housing of Fed
1990 Base	\$103,648	103,648	to generate guara
1989 Appropriation Enacted	\$101,000	110,100	ement Program (CAP)
Activity: Support of U.S. Prisoners	Care of U.S. prisoners	Total	Service custody and for the Cooperative Agreement Program (CAP) to generate guaranteed housing of Federal prisoners in compliance with acceptable detention standards.

\$28,386	tody of the U.S or holding
\$132,034	soners in the cus
\$103,648-	keeping of Federal pri nally accepted standar
\$101,000	, housing, and safe a which meets natio
Care of U.S. prisoners	Long-Ranga Goal: To provide for the care, housing, and safekeeping of Federal prisoners in the custody of the U.8 Marshals Service at a levol of subsistence which meets nationally accepted standards for detention or holding facilities.
Care of U.S.	Long-Range Goal: Marshals Service facilities.

Major Objectives:

To obtain adequate and sufficient detention space for prisoners in Marshals Service custody.

To improve the health care services provided Marshals Service prisoners held in non-federal facilities.

To ensure that qualified custodial guard services are obtained for prisoners undergoing medical treatment and in special detention centers.

To negotiate private sector contracts for the housing of minimum security alien material witnesses and their dependents as well as other prisoners in Marshals Service custody.

To enter into long term guaranteed space agreements with State and local governments.

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Rase Program Description: This program provides for the funding of Pederal prisoners in Marshals Service custody held for judicial proceedings. The prisoners supported include pratrial detainess, undocumented aliens held as witnesses and convicted prisoners returned to court under new criminal charges or as witnesses, as well as sentenced prisoners en route to their designated prison facility. Funding made evailable to this program provides for payments for the cost of related annon-federal detention facilities, support services, medical care, guard services, release payments and other

Accomplishments and Workload:

_	
1989 Estimates	900 2,794,500 \$43.05
1989	880 2,430,000 \$41.55
1288	858 1,933,627 839.20
1987	825 1,498,100 \$38.13
Itan	Agreements in force Number of contract jail days used Average jail day rate

Due to an increasing average daily prisoner population, the number of contract jail days continues to grow in excess of all projections. The October 1988 contract jail days reflect a 35 percent increase over the October 1987 level. Based upon the increased prisoner population growth, the continued impact of drug enforcement intilatives and the Sentencing Reform Act (SRA), the number of jail days and associated costs now anticipated for 1989 and 1990 have been increased.

The Comprehensive Crime Control Act, the Sentencing Reform Act, drug enforcement initiatives, and heavier security measures required by a more dangerous and violent prisoner population will extend the average stay by a minimum 18 days per prisoner resulting in large increases in detention costs. Also, continued significant increases in resources for need for additional investigative agencies, which in turn generate higher prisoner loads, have a direct impact on the Service's with extensive pretrial production requirements and a resulting increased length of stay in jail per prisoner committed have increased the Service's daily prisoner load dramatically. From 1984 to 1990, the length of stay is projected to grow 81 percent (from 26 to 47 days).

The jail day rate is predicted to grow from \$39.20 in 1988 to \$43.05 in 1990. However, this stabilized level of growth in the jail day rate has been more than offset by the rapid expansion in the number of contract jail days required. The level of increase is hard to predict because jails initiate rate increase requests. A major-use jail may suddenly general, per diem rates increase of 30-50 percent, which will have a significant impact on detention costs. In general, per diem rates of \$50 are common, and some of the major-use jails have demanded rates of \$80-101. For example,

्राष्ट्रीयकः व्यवस्थातः व्यवस्थातः । स्थापन्यस्थानस्य Multnomah County, Oregon, is receiving \$97.55 (as no other facilities are available) and the City of Alexandria, Virginia (a CAP jail) receives \$85 based on documented cost and pricing data. Lane County, Oregon (a CAP jail) documented and receives a rate of \$76. Orange County, California, requested a rate of \$113. This rate is being negotiated.

•

In 1988, 232 major-use jails (defined as those in which 1,000 or more jail days per year are used) accounted for 94 percent of all jail costs and contract jail days. Of these jails, only 27 were incligible for rate increases, and 24 were pending rate increases. Of the remaining 181, 90 percent have not had a rate increase since 1986. Based on recent trends, a five percent annual increase for 1989 and beyond is needed to accommodate the anticipated rate increases.

The acute shortage of detention space has required the Service to offer guaranteed payment rantal agreements to local governments. Under this concept, the Service negotiates a fixed rental rate for a detention cell and guarantees payment for its availability whether used or not. The rental fee is in addition to the normal per diem rate which covers supplies, and medical care less the building depreciation or use rate allowed in other jail agreements. The rental new facilities explained the CAP Program and permit the Service to relaburee local governments for actual building costs of feasible.

The Support appropriation has historically been used primarily to pay State or local jurisdictions for the per diem cost of housing prisoners who are in the custody of the United States Marshals Service, 1.e., generally prisoners avaiting trial or sentencing. These prisoners may also be housed in a Federal facility, generally a Bureau of Prisons (BOP) providing this service.

In certain complex detention situations, state and local facilities have not been willing or capable of housing dangerous or high profile federal prisoners, particularly narco-terrorist groups. The Marshals Service has been forced in these instances to establish temporary detention units staffed by special operations group/deputy marshal personnel. In other instances, hybrid detention solutions have been accomplished involving the Federal Bureau of Prisons and state or local governments.

One example of such a hybrid arrangement is in connection with the trial of <u>United States v. Gerena</u> (Crim No H-85-50 TEC Connecticut). The District Court required that the defendants, "Macheteros" be housed in one facility near Hartford, Connecticut. No Pederal, State, or local facility met the District Court's criteria. While the State was not willing to accept responsibility for the actual custody of this terrorist group, it did offer to provide a wing of the Hartford facility if it was operated by the Bureau of Prisons with 24 hour perimeter security provided by the Marshals Service.

lude the operation Incl. develop extraordinary detention arrangements drug trafficker in Jacksonville, Florida and s Service to rapidly major international which required the situations was and trial of Other such detention a

The state of the s

Inc./Dec.

1990 Estimate \$15,000

1990 Base

1989 Appropriation Enacted \$5,000

Cooperative Agreement
Program.....

of a special 24 hour detention unit at the Federal courthouse in San Juan, Puerto Rico for high security prisoners who (for their own personal safety) had to be housed separately from Commonwealth and other federal prisoners.

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These examples demonstrate how the Support of U.S. Prisoners appropriation can be used in situations where there is either a hybrid detention arrangement involving both State and local Federal elements, or where there is no Bureau of Prisons or State and local facility available and Pederal agency personnel must provide the security services and detention facilities that are normally provided by a non-Federal institution.

Incress/Decress	\$28,386	el and compensate for the increased
1990 Estimate	\$132,034	il days above the base lev
1990 Bass	\$103,648	und 659,000 jai
Program Changes:	Care of U.S. Prisoners \$103,648	A program increase of \$28,386,000 will fund 659,000 jail days above the base level and compensate for the increased costs of medical care and guard services.

LONG-Range Goal: To provide funding for the Cooperative Agreement Program (CAP) to enable selected State or local governments to removate or construct detention facilities in order to obtain adequate and sufficient jail space for Federal prisoners.

Major Objectives:

To provide funding which will encourage State and local governments to house Rederal prisoners and to provide conditions of confinement and levels of inmate services which will be in compliance with acceptable detention standards.

To acquire guaranteed detention space in close proximity to the Federal courts in order to reduce the drain on Marshals Service resources for in-district handling and production of prisoners and to provide defendants with adequate access to counsel and to the courts.

To provide Federal excess property to facilities housing Federal prisoners, thereby improving conditions of confinement.

Marks .

The process of April 2 to 100

RABB PROGRAM DABCKIDELION. The Marshals Service's Cooperative Agreement Program (CAP) is a negotiated agreement program. Program participants are selected by the Marshals Service in order to obtain guaranteed detention space an compliance with State, local or national detention standards for Federal prisoners in Federal court cities where severa detention space shortages are being experienced. CAP allows the Service to enter into cooperative agreements with State and local governments for the necessary renovation or construction of detention facilities in the Service and the funding levels are established based upon the number of guaranteed beds agreed to. CAP participants must submit periodic progress reports and their requests for payment are reviewed and approved prior to disbursement by the U.S. Marshal who conducts on-site inspections of work performed. Through this program, the Federal Government encourages State and local governments to provide essential detention space for Federal prisoners, permitting the merchanis Service to support the Federal courts and produce prisoners for judicial proceedings.

Accomplishments and Workload:

Item	1987	1988	Estimates 1989	1990
Cooperative Agreements awarded	22 * 129	134	17 138	21
has been restricted or terminated	268	273	285	280
Federal excess property	335	359	375	400
*Includes modifications.				

Accomplishments:

Producing prisoners in accordance with court calendars requires adequate detention space near Federal court cities. T the Comprehensive Crime Control Act, Sentencing Reform Act, the Organized Crime Drug Enforcement Frogram, and recent anti-drug initatives has consumed virtually all the guaranteed bed space gains (3,644 beds) made by the CAP program. Of further concern is the expiration of those low-cost and short-term CAP agreements negotiated in 1982. Of the beds acquired in 1982, 364 expiration for the seasitating that long-term CAP agreements be negotiated to replace them.

To assess the extent of the Federal short-term detention space crisis and to develop a plan to accommodate projected prisoner load growth levels for the next five years, the Service conducted a national detention space survey of all federal court cities in February 1987. The U.S. Marshal from each of the 94 districts provided estimated average daily prisons repulation levels (for 1987-1992), resultant bed space shortfalls, assessments of each city's detention struction, and recommended solutions to the bed space shortages. In all, a total of 267 Federal court cities were covered in this survey.

As expected, the results substantiated the Service's position that the Federal Government must take concerted action to reach termsolve the Federal short-term detention space crisis. No alternatives will be inexpensive. By 1992, the Marshals Service daily prisoner load is projected to reach 15,300, more than twice the 1986 level. Of the 267 cities surveyed, 142 (54 percent) either had, or expect serious detention shorteges by 1992. Bureau of Frisons (809) facilities housing Marshals Service prisoners are filled at least 70 percent beyond rated capacity, compared to almost 60 parcent over appacity nationwide. In 1987, 21 cities (where 16 percent of the prisoner load was housed) were in an <u>managenor status</u>. By 1992, this count is projected to increase to 72 cities, a shortfall of approximately 6,600 beds. An update of this survey is being conducted in 1989 to ascertain any new prisoner housing requirements.

It is important to remember that the initial survey was conducted before the Sentencing Reform Act (SRA) took effect. The potential adverse impact of SRA on the already critical jail apace shortage will increase the Marshals Service daily prisoner population 20 percent, and increase the average stay by a minimum of 18 days because of SRA alone.

The Bureau of Prisons' facilities are so overcrowded that an increasing number of the Fantenced prisoner load is being divarted to contract jails and little space is available for Marshals Service prisoners. From 1986 to 1988 the number of Marshals Service prisoners. From 1986 the number of Marshals Service prisoners housed in Boy Scalities declined 188 (from 27,913) as Boy Institutions reached their seturation point. Hence, the CAP Program must be relied upon to effectively generate more jail space. In 1985, 044 percent of the total Service inmate days were provided in BOP facilities; this declined to 39 percent in 1988. To contain the necessary jail space, the Marshals Service has continued to seak bedepace in rural jails far from Pederal court cities. This has resulted in a dramatic increase in Deputy staff time required for prisoner production as demonstrated by the fact that from 1978-88, 102 additional operational workyears were required for this function.

Because of local governments' reluctance or inability to fund all locally required jail expansion projects, the CAP program (even if adequately funded) will be able to address only a small portion of the Federal detention needs. The remaining bed spaces must be provided by expanding Federal facilities, new construction, quaranteed rental agreements, or private sector detention contracts. To complete Phase I and begin Phase II of the five-year plan adopted by the Artional Drug Policy Board in 1988 the funding level of the Program must be increased to \$15 million in 1990. Without an adequately funded CAP Program, the Service will face severe bedspace shortages for years to come and potential disruption of Federal court schedules in those court cities with severe bedspace shortages.

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Since its implementation in late 1982, CAP has met with very positive support from State and local governments. The most significant accomplishment for the program is the dramatic stabilization experienced in the loss of contract jail space for Facelines which restricted or terminated detention space increased 179 percent (from 90 to 251). From 1984 to 1988, the Service lost only 22 additional facilities. This shows the potential of the GAP Program to stabilize the jail space crisis. The 1982 to 1990 GAP agreements are expected to generate about 5,006 guaranteed bed spaces for Federal prisoners in local jails in 98 Federal court cities at a cost of only \$89.3 million. This represents an average cost of \$17,800 per bed, well below the national average cost of \$70,000 for new construction of maximum security bed space.

With more dangerous Federal prisoners being held by local jails even in remote areas, the need for added security west, in part, by the Marshals Service's use of the Federal Excess Property Program. Through special authorization obtained from the Department of Justice, surplus security equipment (walk-through and x-ray metal detectors) was furnished to 20 contract jails (15 major-use), enhancing the ability of those jails to handle dangerous offenders.

Program Changes:

Cooperative Agreement

\$15,000

A \$15,000,000 increase in the Cooperative Agreement Program would enable the Service to partially implement Phase II of a five-year Department of Justice plan to obtain sufficient quaranteed bed apace in local jails for its expanded prisoner population. California Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, Nebreska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Virginia, and Misconain have been targeted as potential recipients for the 1990 funds. These agreements would involve cooperative construction to provide long-term quaranteed detantion space for federal prisoners. Mith the requested funding, the loss of essential local jail space would be stabilized somewhat during the 2-3 year period required to bring continued more surgerial to help support the projected continued surge in the Service's daily prisoner population. Program....

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Support of U. S. Prisoners
Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

	Care of	Agreement Program	- Late
		15001 - 15001	75001
Other personnel compensation			6800
Total personnel			
Compensation	200	:	200
Greate actions	27,886	:	27,886
and contributions	:	15,000	15,000
Total obligations, 1990	28,386	15,000	43,386

Support of United States Prisoners

United States Marshals Service

Priority Rankings

Program Ingress

Program
Care of U.S. Prisoners
1
Cooperative Agreement Program 2

Ranking 1

Program Care of U.S. Prisoners Base Program

Ξ

Support of United States Prisoners United States Marshals Service

(In thousands of dollars)

Amount

\$93,700 16,400 110,100	2,648	-9,100	103,648	28,386 15,000 43,386 147,034
Department of Justice Appropriation Act, 1989	Adjustments to base: Mandatory increases: General pricing level adjustment	Decreases: Nonrequiring cost for the Cooperative Agreement Program	1990 Base.	Cooperative Agreement Program

Justification of Adiustments to Base (In thousands of dollars) Support of United States Prisoners United States Marshals Service

\$2,648		2,648	-9.100
Mandatory indreases: 1. General pricing level adjustment	This request applies ONB prioring guidance as of June 23, 1988 to selected expense categories. The increased costs identified result from applying a factor of 4.7 percent eqainst those subobject classes were the priors that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, meterials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the, 1990 estimates.	Total, mandatory increases	1. Nonrecurring costs for the Cooperative Agreement Program. Total, decreases. Total, adjustments to base

Legal Activities
Support of U.S. Prisoners
Summary of Requirements by Grade and Object Class

Object Class		1988 Actual	1989 Estimate	1990 Estimate	1908 Actual 1909 Estimate 1990 Estimate Incress/Decress
11.8 Spec 12.0 Pers	Special personal services payments	3,869	2,500	3,000 8	200
	Communications, utilities and miscellandous charges Supplies and materials Grants, subsidies and contributions	84,093 7,630	102,465	128,954	
Total	Total obligations	95,685	116,799	95,665 116,799 147,034	43,386
Unabligated Unabligated	Unabligated balance, start-of-year	(5,338)	(669'9)	(6,669) (5,538) (6,669)	
Total requi	Total requirements	97,046	110,100	147,034	
Relation of ob- Obligations Obligated by Obligated by Adjustments	Relation of obligations to outlays: Obligations incurred, net. Obligated balance, start of year. Obligated balance, and of yeur. Adjustments to expired accounts.	95,685 25,119 (32,332) 465	116,799 32,332 (59,652)	147,034 59,652 (65,286)	٠.
Outleys	Outlays	189,937	62,63	88,937 89,479 143,400	

Department of Justics. United States Mershals Service Assets Forfeiture Fund Estimates for Fiscal Year 1990

Justification of Proposed Changes in Appropriation Language...... Summary Statement....... Justification of Program and Performance........ Summary of Requirements....... Summary of Requirements by Object Class........

United States Marshals Service

Assets Forfeiture Fund

Summery Statement

Fiscal Year 1990

The Marshals Service is requesting for 1990, \$117,729,000 for the Assets Forfeiture Fund. This amount represents an increase of \$11,729,000 over the 1989 appropriation.

Before the passage of the Comprehensive Crime Control Act of 1984 (CCCA), expenses related to the seizure and forfeiture of property were paid from agencies' salaries and expenses appropriations. To the extent possible, costs were recovered from proceeds of sales of forfeiture action would result in the sale of proceeds of forfeiture action would result in the sale of process of forfeiture action would result in the sale of process and process. Investigating agencies had been reluctant to incur costs that might not be recovered, and had been unable to predict and budget for such costs. These and other budgetary uncertainties have made saizing agencies reluctant to strain further operating budgets with costs of managing and cating for assets subject to forfeiture. The Assets Forfeiture Fund provides a more suitable funding mechanism for promoting proper maintenance and more effective sales of forfeited property and property subject to forfeiture.

Porfeited cash and proceeds from the sales of forfeited properties are deposited to the Fund, and are made available for payment of expenses necessary to seize, detain, inventory, safeguard, maintain, advartise, and sell property under selutes or forfeited under any law enforced or administered by the Department of Justice. Further, receipts are available to pay valid liens and mortgages against forfeited property, as well as to pay amounts in remission or militation of forfeitures. for the purpose of protecting innocent lienholders' interests and to facilitate the sale of forfeited property on terms most advantageous to the Federal Government. Receipts are also available for making equitable sharing payments to state and local governments for participating in asset forfeitures.

The appropriation for the Fund in 1990 provides that, to the extent that deposits to the Fund exceed the amounts needed for the management expenses described above, \$100,000,000 will be available for selected categories of expenses, such as avards for information or assistance in drug enforcement cases; costs of equipping conveyances for drug law enforcement functions; the purchase of evidence of violations of the controlled Substances Act or the Controlled Substances Import and Export Act; and other expenses authorized by 18 U.8.C. 524(c)(1), (A)(ii), (B), (C), (P), and (G).

Further, the Assets Forfeiture Asendaent Act of 1988 provided that after all reimbursements and program-related expenses have been met at the end of 1989, the Attorney General may transfer deposits from the Assets Forfeiture Fund to the Building and Faulities account of the Federal prison system for the construction of correctional facilities. In 1989, transfers of \$88,850,000 are expected.

Additionally, it is anticipated that \$136 million will be transferred to the Special Forfaiture Fund for use by the Director of the National Drug Control Policy as apecified in the Assets Forfaiture Amendment Act of 1988.

United States Marshals Service Assets Forfeiture Fund

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. Deleted matter is enclosed in brackets.

Assets Forfeiture Fund

524(c)(1)(A)(11), (B), (C), (P) and (G)		8100,000,000	: Provided, That funds otherwise available, not exceed	\$237,729.000 shall be for expenses authorized by 28	U.S.C. 524(c)(1) (A)(1).(D) and (E).
For expenses authorized by 28 U.S.C. [524] A.as amended [by the	Comprehensive Forfeiture Act of 1984 and the Anti-Drug Abuse	Act of 1986, \$75,000,000jato be derived from the Department of	Justice Assets Forfeiture Funda.		

128 U.S.C. 5241 Department of Justice Appropriations Act. 1989.1

Explanation of changes

- 1. The first change is to show more clearly what categories of expense are subject to the \$100,000,000 appropriation limitation.
 2. The second change limits the Fund for other uncontrollable expenses to \$237,729,000.

States Marshale Service	mets Forfeiture Fund	nary of Requirements	Three in the conditions are in
United States	Assets Po	Summary of	avel local

Estimates by Program	1988 Actual	1989 Estimate	1990 Estimate
Einancing Unappropriated			
balance, start-of-year	\$62,870	14,241	\$19,391
	207,309	450,000	470,000
Total state of the	:	:	-136,000
iranses, to examine and Expenses, U.S. Attorneys	N/A	- 30,000	:
Prison System "Buildings and "Redilities"	-95,400	-88,850	N/N
Unappropriated balance, end-of-year	-14.241	-19.391	-15,662
Budget Authority (obligations)	160,538	326,000	337,729
Obligations by Program Equitable Sharing with State & local law		;	
Antert Management and	76,190	120,000	126,200
disposal	21,526	111,000	89.000

S

itates Marshals Service	its Forfeiture Fund	ry of Requirements	lars in thousands)
United States	Assets For	BUREATY OF	(Dollars 1

1990 Estimate	20,529	10,100	13,600	000	9,500	337,729
1989 Estimate	20,000	10,100	13,600	, 000	1,100	326,000
1988 Actual	8,875	5,608	13,604	1,370	1,064 906	160,538

Zatimates by Program
Other asset specific
expenses
Program-related expenses
Automated data processing
Awards
Purchase of evidence
Rquipping conveyances
Training and printing
Evidence Destruction & Storage
Contracting for Sarvices
Total.

United States Harshals Service Assats Porceiture Fund Justification of Prodrism and Performanos Activity Resource Summary (In thousands of dollars)

sset Forfeiture Fund	1989 Appropriation Anticipated	1990 Bass	1990 Estimate	Increase/ Degresss
finite Budget Authority	75,000	78,000	100,000	25,000
Authority Total Budget Authority	<u>251,000</u> 326,000	251,000 326,000	337,729	11,729

Long-Range Goal: To use asset forfeiture provisions of the Comprehensive Crime Control Act of 1984 as modified by the Asset Forfeiture Amendments Act of 1988 as a deterrent to crime; to provide resources to carry out the Department of Justice asset management responsibilities for the asset salerure and forfeiture initiatives; and to provide asset specific and program-related support for investigations and prosecutions, provided that funds in excess of asset management expenses are available from the sale of forfeited assets and forfeited cash.

Major Objectives: To pay expenses for detention, inventory, safeguarding, maintenance of seized property and the disposal of forfeited property.

To ensure that valid third-party interests are not jeopardised in the enforcement of forfeiture statutes.

To promote effective law enforcement by sharing amounts realized from forfeitures with State and local law enforcement agencies which contributed to the forfeiture.

To pay awards for information and assistance leading to civil or criminal forfeitures under the Comprehensive Drug Abuse Prevention and Control Act of 1970 or a criminal forfeiture under the Racketeer Influenced and Corrupt Organisations statute.

To equip conveyances for drug law enforcement purposes.

To assist in major drug-related investigations and prosecutions by making funds available to purchase evidence of violations of the Controlled Substances Act, or the Controlled Substances Act.

To strengthen overall asset seisure and forfeiture efforts by funding certain program-related expenses allowable by statute.

Rass Program Description: This Fund, administered by the U.S. Marshals Service with policy direction from the Department of Justice, provides payments for the selsure, detention, forfeiture, and disposal of real and personal property, and other .
Liberal assets. Most of these assets are forfeitable because they were used in, or acquired as a result of, violations of racketerin, or drug traffloking statutes. This program complements the Marshals Service's National Seised Property Program established to provide a centralised source of information and assistance for the managment of seised assets.

Identifying, seising, and forfeiting illegal assets plays an increasingly important role in the Pederal Government's efforts to stop orine and punish oriminals. Not until 1985 was there a suitable funding source to pay for expenses associated with asset management support for seisures and foreitures. The Comprehensive Porfeiture Act of 1984 (P.L. 98-473, Title II, Chapter III) remedied this problem by oresting a special Assets Forfeiture Fund for the Department of Justice.

Ingramma/Degramm	25,000	-13,271
1990 Retinate	100,000	337,729
1990 Bass	75,000	351,000
Asset Porfeiture Fund	Definite Budget Authority Permanent Indefinite Budget	Authority Total Budget Authority

Program Changag: For 1990, a program increase of \$25,000,000 in current, definite budget authority is required for payment of awards for information leading to forfeitures. This will be accompanied by a projected decrease in uncontrollable permanent indefinite expenses (i.e. for management of seised assets; mitigation, remissions, liens and mortgages, etc.) to remain within targeted budget levels established by the Administration.

The Drug Enforcement Administration and the Federal Bureau of Investigation are experienced and successful in locating and targeting the assets of drug dealers. Prosecutors continue to use forfatture more often, and have become innovative and energetic in applying the forfatture provisions of drug lare. State and local agencies, as a result of the equitable sharing program, have increased their efforts to assist Federal drug law enforcement. The resulting growth in selsed property leads to proportionate increases in associated expenses. Without the needed authority to expend monies from this self-sustaining program, esized property will be inadequately forfeited; and the overall forfeiture program vill decline.

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United States Marshals Service Assets Forfaiture Fund Susserv of Remuirements by Oblect Class (In thousands of dollars)

Object Class					
000	4	1988 Actual	1989 Retimete	1990 Ketimate	Increase/Decrease
•	Other personnel	:	25	2	:
100 100 100 100 100 100 100 100 100 100	special personal services payments	191	787	707	1
Jet g	Total, personnel compensation	671	730	. 024	:
12.1 Por	Personnel benefits	01	21	2	:
	itaver and transportation Of persona	1,800	090	1,200	340
•	of things	304	292	292	:
100	to others	1,117	1,326	1,338	:
	iscellaneous charges.	1,384	50.0	50 E	:
•••	Other services	181,266	317,137	327,7964	10,689
	upplies and materials.	3,45	, 4 , 65 J	a, 268	730
	ndemities	312	970	40	::
ž	Total obligations	160,538	326,000	337,729	11,729
elation of Obligated Obligated	Relation of obligations to outlays: Obligated balance, start-of-year Obligated balance, end-of-year	27,070	37,529	218,008 -275,124	
Outlay	Outlays	150,079	145,521	280,613	135,092

Difference from 1990 Budget Appendix due to exroneous entry in object class 31 that should have been made in object class
 425,000,000 of this amount is for awards for information leading to forfeiture.

OPENING STATEMENT

Mr. Early. The committee is pleased to welcome back the Director of the Marshals Service, Mr. Stanley E. Morris. Mr. Morris, you may proceed with your statement.

Mr. Morris. Thank you, Mr. Chairman.

I did submit a statement, which I will summarize and highlight. Mr. EARLY. We will include the entire statement in the record. Mr. Morris. I am pleased to appear before you today in support of the Marshals Service 1990 appropriations request and to discuss

our role in the law enforcement community, particularly our ef-

forts in the war against drugs.

As you know, the Marshals Service responsibilities span both the Executive and Judicial Branches. Consequently the needs of our clients—the judges, witnesses, attorneys and investigative agencies, and the prisoners themselves-determine our workload. As the entire criminal justice system directs more attention to anti-drug activity, our needs likewise increase, especially to enhance security throughout the process.

Finding suitable detention space for prisoners is a crisis of national proportion at all levels of government: Federal, State and local. So, two, is the staggering number of drug cases burdening the Federal docket. These problems affect everything the Marshals Service does. How the Service responds will determine the ultimate success of the judicial process and the outcome of efforts such as

the war on drugs.

From our position we see first-hand how the system is responding to this crisis and, more importantly, those stress points that must be shored. While the framework remains solid, after two centuries the cracks are visible.

SUMMARY OF RESOURCE REQUIREMENTS BY ACCOUNT

With this in mind, I would like to highlight our resource require-

ments and major program areas.

For 1990, we seek a total of 3,100 positions and \$714 million for three separate appropriations: Salaries and Expenses, United States Marshals Service; Support of United States Prisoners; and

the Department of Justice Assets Forfeiture Fund.

For the Salaries and Expenses, United States Marshals Service, the request of 8,100 positions and \$228.8 million includes 166 positions. tions and \$7.7 million for program increases in Judicial Security, Prisoner Handling and ADP. The second appropriation for 1990 is requesting \$147 million for the Support of U.S. Prisoners, an increase of \$86.9 million compared to this year's level. Included is \$15 million for the Cooperative Agreement Program. For the Assets Forfeiture Fund, budget authority totaling \$337.7 million is estimated for 1990, an increase of \$11.7 million compared to the 1989 estimate. This includes \$100 million in definite budget authority, \$25 million more than this year's level.

BASIC MISSIONS OF MARSHALS SERVICE

Let me briefly describe how these requests support our basic missions.

Preserving the safety and integrity of the judicial process remains the Marshals Service's highest priority. For 1990, an additional 83 positions and \$4.7 million are requested to fulfill this critical responsibility. Next year, about three-fifths of the criminal proceedings requiring Marshals Service security will stem from drugrelated charges. Most of the remaining cases will have defendants just as dangerous, ranging from alleged organized crime figures, to seditionists and international terrorists. The security impact such proceedings will have on our workload is readily apparent.

As a matter of fact, you don't need to go very far, you can go down Constitution Avenue to the District Court Building. Although the press is focusing on the Oliver North trial, we find ourselves confronted with the first major terrorist trial ever brought in the

United States, the trial of Fawaz Younis.

We are not holding that trial in the most secure courtroom because it is being reserved for the trial of alleged members of the

Capitol Bombers.

Then you can go across the courtyard and see the court system for the Superior Court for which we in the Marshal's Service serve as the sheriff. Since the Nation's Capital has become the murder capital in America, we must take hundreds of prisoners from the D.C. jails to trials and back.

The whole Federal system of justice is experiencing a high level of tension. Once infrequent, such cases, lasting sometimes years at

a time, are now all too commonplace.

As the Chairman knows, in Springfield, Massachusetts, we have been handling a trial for nearly a year. It is still in preparation

and has yet to proceed forward.

The prisoners are in our custody. Since there is no available jail space for them in Massachusetts, we are forced to house them under an unique arrangement we made with Hartford, Connecticut.

Simply put, these changes and demands in the criminal justice system of the Federal Government have outstripped our ability to

support them.

In some cases we have had to seek continuances to do our job. Absent additional resources, we may be forced to recommend continuance of certain proceedings for lack of adequate safety.

JUDICIAL SECURITY

All 83 positions and \$4.7 million sought for judicial security in 1990 address this concern. Of this total, \$2.5 million is for special assignments. This provides the sources necessary to augment district staff during high threat proceedings by allowing the Service to assign deputies from other districts to the understaffed venues and pay for their overtime and travel while on assignment.

The case in Springfield, Massachusetts, I think perhaps is the best example. I think there are seven defendants in custody. I have three deputy U.S. Marshals usually assigned to Springfield. Needless to say, we have had to bring deputies from throughout the

United States to help support that trial.

Another 15 deputy marshal positions and \$500,000 provide the backfill needed to ensure that Special Operations Group [SOG]

members can be deployed for security and prisoner transportation at high-threat proceedings and, at the same time, the home districts can maintain ongoing operations during their absence. The Service deploys SOG teams, specially trained in security and antiterrorist tactics, for those missions requiring the highest degree of safety.

tactics, for those missions requiring the highest degree of safety.

Finally, 68 deputy marshal positions and \$1.7 million are required to meet the increased demand for on-going district based judicial security. The lessons of the past few years are clear: any venue can be the site of a major trial, no courtroom is immune. The Service has some 300 manned offices in 94 Federal judicial districts, nationwide. They average fewer than 10 operational employees. These resources provide the critical flexibility to move resources around in order to respond to difficult security requirements in various proceedings.

WITNESS PROTECTION

Another fundamental Marshal's Service responsibility is the protection provided those witnesses, and their family members, who testify on the Government's behalf.

As the Witness Security Program approaches its twentieth anniversary, it faces a new breed of incoming client, as well as a second generation, the sons and daughters of original witnesses. Both will have a substantial impact on the program's future. The program's response will determine the continued success of the Government's efforts to gain testimony against and conviction of major organized crime and drug leaders.

Since 1970, over 5,600 witnesses and 6,400 family members have entered the program. Today, over 800 persons receive active protection and funding. In 1990, another 340 principal witnesses are expected to enter the program. Eighty percent of the witnesses coming into the program today are testifying in drug cases, not the type of cases for which the program was originally established some 18 years ago.

PRISONER HANDLING

The Marshal's Service receives an average of 85,000 prisoners a year. This constancy, however, belies fundamental changes in both the caliber of prisoner and the length of confinement, changes at the core of today's detention crisis.

Prior to enactment of bail reform provisions in 1984, those held were detained an average of three weeks. Now their length of detention approaches fifty days. Placing most of these prisoners in Bureau of Prison [BOP] facilities is not an option; in major Federal court cities, Federal prison overcrowding exceeds 70 percent. Today, about three-quarters of all unsentenced Federal prisoners are detained in State and local jail facilities.

In late 1988, the Marshal's Service daily prisoner population reached 11,000, double the 1984 level. Today, the problem rages beyond control. Its effects can be seen in nearly every district in the country.

In South Carolina, where the prisoner population has jumped 77 percent since 1985, a plan to have counties house local sentenced prisoners up to three years before their transferral to State institu-

tions will eliminate most jail space available for Federal use in that district.

Other districts, like Western Missouri, Vermont and Southern West Virginia, experienced over a 150-percent prisoner increase since 1985. What do the marshals in these districts do? They join the ranks of marshals who transport prisoners hundreds of miles on a daily basis to maintain court appearances and provide suitable

In Oregon, deputies travel as far as 30 miles from the Canadian border, a 600-mile round trip, to house prisoners. Each day in Massachusetts, deputies scatter in all four directions and cross to ad-

joining States to make prisoner trips.

The worst situation remains in the Northern District of California, however. Three times a week, vans are sent from San Francisco to Terminal Island, south of Los Angeles, to pick up prisoners for court appearances. A one-way trip is 425 miles and takes over eight hours.

Nationwide, more and more deputies must transport prisoners to and from court and do nothing else. They start their journey early in the morning and end late at night, working paid overtime in the process, just to transport prisoners. Such journeys provide risks for

our deputies, and endanger the public as well.

It can only get worse. In 1985, fewer than 40 percent of the prisoners in Marshal's Service custody were held for drug-related charges. Now that figure exceeds 70 percent. Their length of confinement and numerous court-related appearances place enormous

strains on the system.

In 1990, prisoner productions will approach 555,000, up 46 percent in two years. Likewise, length of confinement will grow by more than a third during this period, due largely to the type of prisoner at hand and major criminal justice reforms, particularly the bail reform and sentencing reform provisions of the Comprehensive Crime Control Act of 1984.

Where there used to be one trial, there is now the equivalent of three separate proceedings. Bail reform keeps the most dangerous defendants in jail during all pretrial phases. Next comes the actual

trial.

At the end, sentencing reform results in another two to four weeks of presentencing confinement during which the length of im-

prisonment is determined.

All this exacerbates an acute problem. In the Southern District of Iowa, for example, saturation of nearby jails forces the marshal to send convicted, unsentenced prisoners to Chicago, 330 miles from Des Moines, until sentence is passed.

There is a bright spot, however. The National Prisoner Transportation System (NPTS) continues to move prisoners long distances, safely and within court-ordered deadlines, at a fraction of commercial cost.

Through efficient scheduling and economies of scale, the airlift moves up to 100 prisoners at one time with a fraction of the security personnel—NPTS realizes savings simply impossible to achieve at the district level, where prisoner productions are a daily event. Over 120,000 prisoner passengers are expected to travel via NPTS in 1990, about one-third more than 1988.

To address each aspect of this situation, 83 positions and \$2.1 million are requested for prisoner handling increases for the Marshal's Service appropriation. This includes 54 positions and \$1.4 million to meet the requirements associated with increased prisoner productions. Another 24 positions and \$600,000 are requested for dedicated NPTS flight crews. And, 5 positions and \$100,000 are needed for negotiating and awarding Cooperative Agreement Program for [CAP] guaranteed jail space in Federal court cities.

SUPPORT OF PRISONERS APPROPRIATION

Significant increases are also required for the Support of United States Prisoners appropriation. The President's budget includes an estimate of over 2,794,500 jail days for 1990, 45 percent above the 1988 level. The daily rate is expected to reach \$43.05, up nearly 20 percent since 1986.

Estimating the number of jail days and the jail day rate is difficult, as shown by our frequent requests in past years for supplemental funding to meet the estimated growth in prisoners awaiting trial. I would note that perhaps our estimates are conservative.

While 90 percent of the \$147 million requested for support of prisoners is to house and care for unsentenced prisoners, \$15 million is earmarked for the Cooperative Agreement Program, as part of a second phase of a five part Department of Justice plan to increase detention space.

This will provide for construction of over 600 State and local jail spaces [guaranteed up to 15 years] in areas where there are severe shortages. CAP appropriations for succeeding years must be maintained at the same level, if any long term improvements in the national jail space crisis are to be realized.

FUGITIVE INVESTIGATIONS

Each year, the Marshal's Service arrests some 14,000 fugitive felons, half on behalf of other Federal agencies. More than 50 percent of the Service's felony fugitives are wanted for drug-related offenses

In 1988, 16 fugitives who had been placed on the "Top 15" list were arrested or located by Marshals Service investigators. Among these are Alphonse Persico, an organized crime figure whose arrest was the result of an eight-year international manhunt; Elton Royce Winchester, a career criminal, convicted murderer and narcotics trafficker; and Pilar Pereada-Villapudua, an international cocaine dealer.

International extraditions and location of fugitives at the request of foreign countries are other significant components of our fugitive investigation activity. The Service effected 200 international extraditions in 1988, and located fugitives such as Alvarado Rafael Saravia-Merino [wanted for the slaying of El Salvadorian Archbishop Oscar Romero] on behalf of other countries. The number of international extraditions is expected to reach 300 in 1990, 50 percent more than in 1988.

D.C. SUPERIOR COURT

I mentioned previously the challenges that we confront in the District of Columbia since we serve as the sheriff for the Nation's capital. As I mentioned, it has become the murder capital. The activities, problems, and challenges that our people confront on a daily basis simply trying to provide justice at the Superior Court Building are overwhelming. I am very proud of the work that we accomplish there with fewer than 100 people.

SKIZED ASSETS MANAGEMENT

The Marshals Service Seized Assets Program continues to yield outstanding results. Provisions included in the Anti-Drug Abuse Act of 1988 advance this effort. Foremost among these are exemption of certain procurement activities from Federal Acquisition Regulations [ensuring that security and confidentiality of criminal cases will not be compromised] and authority to pay for services directly related to identification of forfeitable assets [reducing "liability" seizures]. Moreover, the clear distinction between definite and indefinite budget authority puts equity in scorekeeping and recognizes the uncontrollable nature of asset management.

There was an item of some discussion a year ago, which this committee has managed to sort out in a much more sensible fashion, and it has provided considerable assistance to us in a complex and

growing program.

At the start of 1990, almost 35,000 seized properties will be in Marshal's Service custody, twice the 1988 total. The value of these properties will approach \$1 billion. The estimated Fund income of \$470 million is predicated on the assumption that all U.S. Attorneys recently authorized for assets litigation will be litigating forfeitures by 1990. As a result of these efforts, over \$200 million additional income above the 1988 level is expected to be realized in both 1989 and 1990.

ADP AND TELECOMMUNICATIONS

Operational demands continue to outpace logistical support, and the gap widens each year. The \$900,000 requested for ADP improvements in 1990 directly supports the operational mission.

provements in 1990 directly supports the operational mission.

To see any improvement in the timely dissemination and use of information, such improvements are essential. The resources are requested for three critical areas: 1. automation of prisoner transportation scheduling activities. It is difficult to transport prisoners without efficient computer support; 2. the development of a Defendant Based Tracking System at the district level; and 3. the expansion of the Warrant Information Network's [WIN] centralized database.

Automated prisoner transportation scheduling optimizes time and cost savings and further enhances NPTS operations. A Defendant Based Tracking System provides the Marshal's Service and all other justice law enforcement agencies the capability to track the prisoner population as it proceeds through the criminal justice process. Our vantage point in the system—we are responsible for everything from arrest to final disposition of the case—affords us the opportunity to capture and share data not available anywhere

else. Finally, expansion of the WIN central processing capability is

essential for timely fugitive apprehension.

In step with the changes and growth the country has experienced, the U.S. Marshals have continued to respond to the needs of the Executive and Judicial Branches. Now, as in the past, by fulfilling the right to due process, maintaining a secure and open court environment, and safeguarding members of the judiciary and protected witnesses, the Marshal's Service plays a critical role in preserving, protecting and defending basic constitutional guarantees. We intend to improve upon our record in the years to come.

This concludes my statement, Mr. Chairman. I shall be pleased

to answer any questions the subcommittee may have.
[The formal statement of Stanley E. Morris follows:]

DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE
STATEMENT OF STANLEY E. MORRIS, DIRECTOR
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am pleased to appear before you today in support of the Marshals Service's 1990 appropriations request, and to discuss our role in the law enforcement community, particularly our efforts in the War on Drugs.

As you know, Marshals Service responsibilities span both the executive and judicial branches. Consequently, the needs of our clients -- the judges, witnesses, attorneys and investigative agencies, and the prisoners themselves--determine our workload. As the entire criminal justice system directs more attention to anti-drug activity, our needs likewise increase, especially to enhance security throughout the process.

Finding suitable detention space for prisoners is a crisis of national proportion at all levels of government, Federal, State and local. So too, is the staggering number of drug cases burdening the Federal docket. These problems affect everything the Marshals Service does. How the Service responds will determine the ultimate success of the judicial process and the outcome of efforts such as the War on Drugs.

From our position we see first-hand how the system is responding to this crisis, and more importantly, those "stress points" that must be shored. While the framework remains solid, after two centuries the cracks are visible.

With this in mind, I would like to highlight our resource requirements and major program areas.

Summary of 1990 Requirements

For 1990, we seek a total of 3,100 positions and \$714 million for three separate appropriations: Salaries and expenses, United States Marshals Service; Support of United States Prisoners; and, the Department of Justice Assets Forfeiture Fund.

Salaries and expenses, United States Marshals Service.

The request of 3,100 positions and \$228.8 million, includes 166 positions and \$7.7 million for program increases in Judicial Security, Prisoner Handling and ADP.

Support of United States Prisoners. For 1990, \$147 million is sought for this appropriation, an increase of \$36.9 million compared to this year's level. Included is \$15 million for the Cooperative Agreement Program.

Assets Forfeiture Fund. Budget authority totalling \$337.7 million is estimated for 1990, an increase of \$11.7 compared to the 1989 estimate. This includes \$100 million in definite budget authority, \$25 million more than this year's level.

Let me briefly describe how these requests support our basic missions.

Judicial Security

Preserving the safety and integrity of the judicial process remains the Marshals Service's highest priority. For 1990, an additional 83 positions and \$4.7 million are requested to fulfill this critical responsibility.

Next year, about three-fifths of the criminal proceedings requiring Marshals Service security will stem from drug-related charges. Most of the remaining cases will have defendants just as dangerous, ranging from alleged organized crime figures, to seditionists and international terrorists. The security impact such proceedings will have on our workload is readily apparent.

In 1990, we estimate that the time devoted to criminal proceedings will rise twenty percent and threats against the judiciary will rise about one-third above 1988 levels. When measured against last year's record, the 1990 criminal docket may present unprecedented challenges. Three cases, one completed in 1988, another ongoing, and one still in the pre-trial stage, demonstrate this disturbing trend.

The case of the <u>United States v. Scutari, et. al.</u>, tried in Fort Smith, Arkansas, involved 14 defendants from alleged Anti-Semitic and Neo-Nazi groups charged with sedition. Before their acquittal these defendants spent over a year in Marshals Service custody. The Fort Smith office has only six full-time deputy

Marshals. During the course of the proceedings, some 50 deputies were sent from other districts to ensure adequate security.

A trial which began last year and still continues is <u>United States v. Rupley. et. al.</u>, in Reno, Nevada. Reno has only five full-time deputies, hardly enough to guard the 20 defendants charged with manufacturing, possessing, and selling controlled substances; along with racketeering and operating a criminal enterprise. They also threatened witnesses and law enforcement officers in open court during pre-trial hearings. The trial will last through March and will cost more than \$1 million for Marshals Service security alone.

The case of the <u>United States v. Juan Matta-Ballesteros</u>, is now in the pre-trial stage. The defendant, reputed to be the key figure controlling the flow of illegal drugs from Mexico, faces numerous drug charges, and may have been involved in the murder of DEA agent Enrique Camarena Salazar. Matta-Ballesteros has been in Marshals Service custody since last April. The security surrounding his pre-trial appearances is rivaled only by that afforded his drug cartel associate, Carlos Leheder-Rivas, who was convicted in Jacksonville last year. No date has been set for Matta-Ballesteros' trial, which, once started, could last well into 1990.

Once infrequent, such cases (particularly multiple-defendant proceedings in remote venues lasting years at a time) are now all too commonplace. Simply put, their growth outstrips our ability to support them. Absent additional resources, we may face

recommending continuance of certain proceedings for lack of adequate safety.

All 83 positions and \$4.7 million sought for Judicial Security in 1990 address this concern. Of this total, \$2.5 million is for Special Assignments. This provides the resources necessary to augment district staff during high-threat proceedings by allowing the Service to assign deputies from other districts to the understaffed venues and pay for their overtime and travel while on assignment.

In 1988, the proliferation of such proceedings saw the number of deputies on Special Assignment double from the previous year. So far this year, Special Assignment requirements are ahead of the 1988 pace. Security for the Matta-Ballesteros trial could easily be \$1 million. He spent twice that much to bribe his way out of a Colombian prison in 1986.

Another 15 deputy Marshal positions and \$500,000 provide the "backfill" needed to ensure that Special Operations Group (SOG) members can be deployed for security and prisoner transportation at high-threat proceedings and home districts can maintain ongoing operations during their absence. The Service deploys SOG teams specially trained in security and anti-terrorist tactics for those missions requiring the highest degree of safety.

Finally, 68 deputy Marshal positions and \$1.7 million are required to meet the increased demand for ongoing district-based judicial security. The lessons of the past few years are clear: any venue can be the site of major trial, no courtroom is immune.

The Service has some 300 offices in 94 Federal Judicial Districts, nationwide. They average fewer than 10 operational employees. (When you discount large metropolitan areas such as New York, Los Angeles and Chicago, the average is about 5.) No district, particularly a smaller one, can provide the security needed for upcoming proceedings without additional help. These resources provide the critical flexibility we need to respond to such proceedings.

Witness Security

Another fundamental Marshals Service responsibility is the protection provided those witnesses—and their family members—who testify on the Government's behalf. As the Witness Security Program approaches its twentieth anniversary, it finds a new breed of incoming client, as well as a "second generation", the sons and daughters of original witnesses. Both will have a substantial impact on the program's future. The program's response will determine the continued success of the Government's efforts to gain testimony against and conviction of major organized crime and drug leaders.

Since 1970, over 5,600 witnesses and 6,400 family members have entered the program. Today, over 800 persons receive active protection and funding. In 1990, another 340 principle witnesses are expected to enter the program. (Four-out-of-five will testify in drug-related cases.) Increasingly, these witnesses are foreign-born, and their background reflects the crimes

(notably drugs and terrorism) exported to our shores. The problems they present for protection and relocation (language and cultural barriers, for instance) are in sharp contrast to those of their native-born predecessors and offspring.

All new witnesses receive counseling and orientation at the Service's Orientation and Safesite Center. Once enrolled, they receive a full range of services: redocumentation, relocation, (the principal forms of protection), and around-the-clock protection on those occasions when they give testimony and/or return to the "danger area." In cases where these witnesses testify, almost 90 percent result in conviction.

Prisoner Detention and Transportation

The Marshals Service receives an average of 85,000 prisoners a year. This constancy, however, belies fundamental changes in both the caliber of prisoner and the length of confinement, changes at the core of today's detention crisis.

Prior to enactment of Bail Reform provisions in 1984, those held were detained an average of three weeks. Now their length of detention approaches fifty days. Placing most of these prisoners in Bureau of Prison (BOP) facilities is not an option; in major Federal court cities, Federal prison overcrowding exceeds 70 percent. Today, about three-quarters of all unsentenced Federal prisoners are detained in State and local jail facilities.

In late 1988, the Marshals Service daily prisoner population reached 11,000--double the 1984 level. Today the problem rages beyond control. Its effects can be seen in nearly every district in the country.

In South Carolina, where the prisoner population has jumped 77 percent since 1985, a plan to have counties house local sentenced prisoners up to three years before their transferral to State institutions will eliminate most jail space available for Federal use in that district. Other districts, like Western Missouri, Vermont and Southern West Virginia experienced over a 150 percent prisoner increase since 1985. What do the Marshals in these districts do? They join the ranks of Marshals who transport prisoners hundreds of miles on a daily basis to maintain court appearances and provide suitable jail space.

In Oregon, deputies travel as far as 30 miles from the Canadian border (a 600 mile round trip) to house prisoners. Each day in Massachusetts, deputies scatter in all four directions and cross adjoining states to make prisoner trips. The worst situation remains in the Northern District of California, however. Three times a week, vans are sent from San Francisco to Terminal Island, south of Los Angeles, to pick up prisoners for court appearances. A one-way trip is 425 miles and takes over eight hours.

Nationwide, more and more deputies must transport prisoners to and from court, and do nothing else. They start their journey early in the morning and end late at night (working paid overtime in the process) just to do that! Such journeys provide risks for our deputies, and endanger the public as well.

It can only get worse. In 1985, fewer than 40 percent of the prisoners in Marshals Service custody were held for drugrelated charges. Now, that figure exceeds 70 percent. Their length of confinement and numerous court-related appearances put enormous strains on the system.

In 1990, prisoner productions will approach 555,000, up 46 percent in two years. Likewise, length of confinement will grow by more than a third during this period, due largely to the type of prisoner at hand and major criminal justice reforms, particularly the Bail Reform and Sentencing Reform Provisions of the Comprehensive Crime Control Act of 1984.

Where there used to be one trial, there are now the equivalent of three separate proceedings. Bail Reform keeps the most dangerous defendants in jail during all pre-trial phases.

Next comes the actual trial. At the end, Sentencing Reform results in another 2 - 4 weeks of pre-sentencing confinement as the length of imprisonment is determined!

All this exacerbates an acute problem. In the Southern District of Iowa, for example, saturation of nearby jails forces the Marshal to send convicted, unsentenced prisoners to Chicago (330 miles from Des Moines) until sentence is passed.

There is a bright spot, however. The National Prisoner Transportation System (NPTS) continues to move prisoners long distances, safely and within court-ordered deadlines, at a fraction of the commercial cost. Through efficient scheduling and economies of scale—the airlift moves up to 100 prisoners at one time with a fraction of the security personnel—NPTS realizes savings simply impossible to achieve at the district level, where prisoner productions are a daily event. Over 120,000 prisoner "passengers" are expected to travel via NPTS in 1990, about one—third more than 1988.

To address each facet of this situation, 83 positions and \$2.1 million are requested for prisoner handling increases for the Marshals Service appropriation. This includes 54 positions and \$1.4 million to meet the requirements associated with increased prisoner productions. Another 24 positions and \$600,000 are sought for dedicated NPTS flight crews. And, 5 positions and \$100,000 are needed for negotiating and awarding Cooperative Agreement Program for (CAP) guaranteed jail-space in Federal court cities.

Significant increases are also required for the Support of United States Prisoners appropriation. The President's budget includes an estimate of over 2,794,500 jail days for 1990, 45 percent above the 1988 level. The daily rate is expected to reach \$43.05, up nearly one-fifth since 1986.

Estimating the number of jail days and the jail day rate is difficult, as shown by our frequent requests in past years for supplemental funding. Please note that the above estimates may be conservative.

While 90 percent of the \$147 million requested for Support of Prisoners is to house and care for unsentenced prisoners, \$15 million is earmarked for the Cooperative Agreement Program, as part of a second phase of a five-part Department of Justice plan to increase detention space. This will provide for construction of over 600 State and local jail spaces (guaranteed up to 15 years) in areas where there are severe shortages. CAP appropriations for succeeding years must be maintained at the same level, however, if any long-term improvements in the national jail space crisis are to be realized.

Fugitive Apprehension

Each year, the Marshals Service arrests some 14,000 fugitive felons, half on behalf of other Federal agencies. More than 50 percent of the Service's felony fugitives are wanted for drug-related offenses.

In 1988, 16 of our "Top 15" fugitives were arrested or located by Marshals Service investigators. Among these were Alphonse Persico, an organized crime figure, whose arrest was the result of an eight-year international manhunt; Elton Royce Winchester, a career criminal, convicted murderer and narcotics trafficker; and, Pilar Pereada-Villapudua, an international cocaine dealer.

International extraditions and location of fugitives at the request of foreign countries are other significant components of our fugitive investigation activity. The Service effected 200

international extraditions in 1988, and located fugitives such as Alvaro Rafael Saravia-Merino (wanted for the slaying of El Salvadorian Archbishop Oscar Romero) on behalf of other countries. The number of international extraditions is expected to reach 300 in 1990, 50 percent more than 1988.

District of Columbia Superior Court

The functions the Marshals Service performs on behalf of the D.C. Superior Court are unique, in that we act as sheriff for the Nation's Capital. In many respects, however, this district displays all our problems in microcosm, everything from a jail space crisis (Lorton), to defendants in drug-related murders and other violent crimes who must be produced in court. The Superior Court operates six days a week, in over 60 courtrooms in four separate facilities. Marshals Service deputies produce as many as 250 prisoners each day for matters ranging from felony assault to family court hearings. This district also handles all court-ordered evictions. The job we do in this office (with fewer than 100 people) rivals that of any major metropolitan law enforcement agency in the United States.

Seized Assets Program

The Marshals Service's seized assets program continues to yield outstanding results. Provisions included the in Anti-Drug Abuse Act of 1988 advance this effort. Foremost among these are exemption of certain procurement activities from Federal

Acquisition Regulations (ensuring that security and confidentiality of criminal cases will not be compromised) and authority to pay for services directly related to identification of forfeitable assets (reducing "liability" seizures.) Moreover, the clear distinction between definite and indefinite budget authority puts equity in scorekeeping and recognizes the uncontrollable nature of asset management.

At the start of 1990, almost 35,000 seized properties will be in Marshals Service custody, twice the 1988 total. The value of these properties will approach \$1 billion. The estimated Fund income of \$470 million is predicated on the assumption that all U.S. Attorneys recently authorized for assets litigation will be litigating forfeitures by 1990. As a result of these efforts, over \$200 million in additional income above the 1988 level is expected to be realized in both 1989 and 1990.

One of last year's most notable forfeitures resulted from the conviction of the two Torres' brothers and 12 co-conspirators in the Southern District of New York. At sentencing, the judge remarked, "The complete list of crimes ... reads like an encyclopedia of narcotics-related wrongdoing." The Torres organization existed solely to make its members wealthy, and their conviction resulted in the forfeiture of a shopping center, bowling alley, three gas stations and seven residences in Puerto Rico, luxury sports cars, a yacht, expensive jewelry, and over \$500,000 in cash.

Management and Support Services

Operational demands continue to outpace logistical support, and the gap widens each year. The \$900,000 sought for ADP improvements in 1990 directly supports the operational mission.

To see any improvement in the timely dissemination and use of information, such improvements are essential. The resources are requested for three critical areas: (1) automation of prisoner transportation scheduling activities; (2) development of a Defendant Based Tracking System at the district level; and, (3) expansion of the Warrant Information Network's (WIN) centralized database.

Automated prisoner transportation scheduling optimizes time and cost savings and further enhances NPTS operations. A Defendant Based Tracking System provides the Marshals Service, and all other Justice law enforcement agencies, the capability to track the prisoner population as it proceeds through the criminal justice process. Our vantage point in the system—we are responsible for everything from arrest to final disposition of the case—affords us the opportunity to capture and share data not available anywhere else. Finally, expansion of the WIN central processing capability is essential for timely fugitive apprehension.

Conclusion

In step with the changes and growth the country has experienced; the U.S. Marshals have continued to respond to the needs of the executive and judicial branches. Now, as in the

past by fulfilling the right to due process, maintaining a secure and open court environment, and safeguarding members of the judiciary and protected witnesses, the Marshals Service plays a critical role in preserving, protecting and defending basic Constitutional guarantees. And, we intend to improve upon our record in the years to come.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions the Subcommittee may have.

JUDICIAL SECURITY

Mr. Early. Mr. Morris, your testimony makes me suspect that we should be making some changes. On the security issue, we spoke of the situation in the State of Massachussetts, about which I am embarrassed—when your state has to admit they cannot guarantee security.

That trial was moved from Boston to Springfield. You noted that we have to keep defendants in another state. These seven defendants, every one of them was incarcerated for something like 16

years, weren't they?

Mr. Morris. Yes, sir. Mr. Early. What do you estimate are the expenses of the Mar-

shal's Service in guaranteeing security at that trial?

Mr. Morris. I don't have an up-to-date number, but I can provide it for the record. I will tell you that two individuals in Jacksonville, in a trial that lested some six months, cost the Service over \$1 million. There is no question in my mind, the cost of that security will be well over the million dollar figure.

Mr. Early. Provide for the record the exact cost of that trial, and the cost of the ten most expensive trials. The trial in Jacksonville,

was that Lehder?

Mr. Morris. Carlos Lehder, yes.

Mr. EARLY. I just read that report. Did you cite \$1 million? I

thought the security cost was double that amount.

Mr. Morris. It depends on how fully you allocate the costs. I was talking about the additional costs that the Marshal's Service incurred for security.

Mr. EARLY. You have no problem figuring out how many addi-

tional marshals you had on that specific trial?

Mr. Morris. No. I can provide that for the record. On any given day we had 30 deputies from outside Jacksonville providing security at that trial.

[The information follows:]

JUDICIAL SECURITY

From March 1987, through the February 1989 proceedings, the Marshals Service has expended \$2,484,850.00 on the trial of *USA* v. *Lavassuer*, et al. This figure encompasses the costs for travel for Deputy U.S. Marshals from other districts, overtime, additional guards, and local jail housing. This figure does not include those costs which the District of Massachusetts has borne from its own resources. In addition, we should like to point out that there are always hidden but significant costs associated with these types of trials created by borrowing Deputy U.S. Marshals from other districts, and it is the work backlog created when they must go to help another district, which are not charged to the trial, but which must be paid none-

The ten most expensive trials covered by USMS are as follows: USA v. Levassuer, et al., \$2,434,850 (to date).

USA v. Levassuer, et al., \$2,448,850 (to date).
USA v. Gerera, et al. (Los Macheteros), \$2,502,000 (to date).
USA v. Ojeda-Rios (Los Macheteros), \$211,200 (projected).
USA v. Rupley, et al., \$780,630 (to date).
USA v. Lehder-Rivas, et al., \$2,140,850 (completed).
USA v. Scarfo, et al., \$508,540 (projected).
USA v. Matta-Ballesteros, \$648,300 (projected).
USA v. Watta-Ballesteros, \$648,300 (projected).
USA v. Vounio, \$211,880 (completed).

USA v. Younis, \$211,880 (completed). USA v. Whitehorn, et al., \$226,440 (projected). USA v. LeQuire, et al., \$244,318 (completed).

LEHDER-RIVAS TRIAL SECURITY

The Marshals Service utilized an additional 39 out-of-district personnel to ensure security for the USA v. Lehder-Rivas, et al. trial.

USE OF JUDICIAL SECURITY FUNDS

Mr. Early. I would have thought it would be well in excess of

Your fiscal year 1989 appropriation for Judicial Security is \$2.7 million above your original request and \$7 million above the fiscal year 1988 appropriation. How were you able to utilize these funds to improve security, especially for high threat drug and terrorist related trials?

Also, provide for the record, how many of the fifty States did not have the facilities or ability to have prosecuted that specific trial, in your judgment. That is what I want.

Mr. Morris. Yes, Mr. Chairman.

Mr. Early. I would appreciate it if you would identify the States. I want your professional opinion.

Could you tell me that on the \$2.7 million?

Mr. Morris. I think the \$2.7 million—in addition there is \$2.5 million for special assignments reserve. As I mentioned in my statement, the courts are organized—or not organized—in a fashion that creates great inefficiencies for us in the Marshal's Service. That is, we have nearly 500 places of holding court in the United States.

If you have a relatively small cadre of people, it means you assign a few people to each of these locations.

What occurs is that any time anything out of the ordinary happens, we have to borrow from Peter to pay Paul.

[The information follows:]

COURTROOM FACILITIES

By the term "facilities", we presume the question addresses more than court-rooms for trials and jail space for prisoner defendants. Considering the extraordinary measures and resources required to secure these trials, we would have to state that none of the 50 States have the approprite facilities—by which is meant security equipment, systems, and personnel—to secure these types of lengthy, multi-defendant drug and terrorist-related trials. It would require a significant increase in resources to achieve this level of security in all 50 States. Unless and until that level is achieved to achieve the security in all 50 States. is achieved, we will always have to borrow and shift resources from one district to another, always hoping that tragedy does not strike in those districts from which those resources were taken.

WITNESS SECURITY

Mr. EARLY. Mr. Morris, I cited a specific example yesterday about a trial in Massachusetts. They had to get the brother of the one who was on trial to testify. He had been sentenced to five years in prison several years before.

When he came in to testify, they said where were you? What facility? They had never picked him up. I wonder how often that happens. That could be the court's fault, or the marshal's fault.

I don't know. Is that happening because we don't have enough money for the Marshal's Service? Maybe we should tell the American people what we are not doing.

On witness security, the workload associated with witness security seems to be steadily climbing, especially Witnesses Funded which you project to increase by 21 percent.

How do you plan to accommodate this growth when you do not

request any additional funds for fiscal year 1990?

Mr. Morris. We have expanded the program. We used to assign witness security as one of a deputy's many functions. As a consequence, it was not done very well. So a couple of years ago, we moved to having exclusive witness security inspectors. That was their sole job. They were trained to do that, and we were given the tools to do that. This change has helped us to be more efficient.

Mr. EARLY. Was the marshal's office responsible for guarding the witness in that well-publicized drug case? I think his name was

Barry Seal, who got killed?

Mr. Morris. Barry Seal was not in the witness program.

Mr. EARLY. What program was he in?

Mr. Morris. He was not in any program.

Mr. Safir. Barry Seal was offered the witness security program and was encouraged to come into the witness security program. He refused to come into the witness security program and stated he thought he could protect himself.

Mr. EARLY. Hadn't he been found guilty?

Mr. Morris. Entrance into the witness program is voluntary. Mr. Early. If they don't volunteer and they are convicted, they should go to jail.

Mr. Morris. He had been convicted and was awaiting sentencing at the time he was executed in Baton Rouge, Louisiana.

U.S. MARSHALS SERVICE AUDIT

Mr. EARLY. From the reports I read there was no question that there was a serious threat. In the most recent report I read, he

could have provided us with a lot of information.

I have several questions that I will include in the record, but I have one final question. I read an account in the Post today about the Department's audit of INS. Also, that an audit is proceeding on the Marshal's Service. Should we expect equally negative headlines on the result of your audit? Can you comment on that?

Mr. Morris. Yes, the report was finished about two weeks ago. It was done without the usual process where the agency is able to cor-

rect errors.

Mr. EARLY. When did you get that? Mr. Morris. About two weeks ago.

Mr. EARLY. I can't understand why we didn't have that here before you testified. Am I going to read in tomorrow's paper about failures on your part?
Mr. Morris. I hope not.

Mr. EARLY. Is it very critical?

Mr. Morris. It is critical in some areas. I was not terribly disappointed in it. It identified an area that has been one of my greatest concerns-trying to exercise the most effective controls in terms of accounting. We are responsible for five different appropriation accounts, have a highly decentralized organization with 93 presiden-

tial appointees, and have not had the computer support necessary to establish the effective accounting controls I think we need.

AUDIT OF THE U.S. MARSHALS

Mr. EARLY. Was the audit critical of you for not picking up prisoners?

Mr. Morris. No, sir.

Mr. Early. We don't give you enough money. I am sure there will be an article every few years that we have several hundred fugitives out there that you didn't pick up, but you don't have the manpower to pick them up.

This budget doesn't allow you to do that.

Mr. Morris. We have had modest, but consistent, increases approved by the Congress over the last five years. I think our growth has been predictable, given the overall problems of limited resources. I believe our growth has been fair and consistent.

Mr. EARLY. If you get twice as much responsibility and five per-

cent growth, it is not going to wash. I will yield to Mr. Rogers.

WITNESS SECURITY

Mr. Rogers. Witness security, what is the amount you are requesting this year?

Mr. Morris. \$30.6 million.

Mr. Rogers. How much of an increase over the current year is that?

Mr. Morris. There is no program change, just uncontrollable increases. It is about \$2.5 million above the 1989 appropriated level. That doesn't allow for additional positions. It is simply inflation and uncontrollable costs.

WITNESS PROTECTION PROGRAM

Mr. Rogers. How many witnesses are in that program? Mr. Morris. Since the beginning of the program, 5,350.

Mr. Rogers. How does that compare to current year and previous years?

Mr. Morris. We have been adding in the order of about 240 to 280 new witnesses a year.

Mr. ROGERS. That is a net increase? Mr. Morris. Yes, but we are of course responsible for the rest of the witness's life so if anything occurs, or a problem comes up or security gets violated, or they need to be brought back for another trial, that is a cumulative work-load.

They don't go away. We find, now, problems are occurring with the children of witnesses because of document problems that may have occurred earlier in the program. Not only are we responsible for the witnesses, but the children who go off to college, and get jobs, and find problems with the new name are coming back to us.

The work in servicing their needs grows every year, in addition

to the new witnesses who are added to the program.

Mr. Rogers. Are you obligated to protect the children of witnesses?

Mr. Morris. Yes, sir.

Mr. Rogers. By what?

Mr. Morris. By the agreements we enter into with the witness. Part of that arrangement is that we provide security to the family and others who the witness leaves in the threatened area.

Sometimes it is a wife, sometimes it is a boyfriend or girlfriend.

Sometimes it is children and family.

Mr. Rogers. What about boyfriend or girlfriend?

Mr. Morris. We can find ourselves in circumstances where we assist common-law spouses.

Mr. Rockes. Protecting them?

Mr. Morris. Yes, sir. Mostly what we are doing, Congressman Rogers, is helping them, redocumenting them and giving them an opportunity to start a new life in a new location. The specific protection occurs either when a threat comes to them or they, for some court-related reasons, must go back into the danger area.

Mr. Rogers. And the agreement generally calls for the protec-

tion of girlfriends and boyfriends?

Mr. Morris. Not generally, but it has occurred in some cases. Mostly, it is spouses and the children. Sometimes we will also be responsible for taking a parent.

Mr. Rogers. Those agreements are custom made to each situa-

tion and they name the people to be protected?

Mr. Morris. Yes, sir.

Mr. Rogers. Is there a standard agreement form that is used and

modified for each case?

Mr. Morris. There is a basic agreement form and it gets modified based upon the needs of the witness and the concerns of the recommending prosecuting attorney.

Mr. ROGERS. Would it violate a confidence to file a copy of the

standard agreement with the record?

Mr. Morris. I don't think so. If not the actual document itself, we could indicate all the components. I will try to make the document itself available.

[The information follows:]

WITNESS SECURITY AGREEMENT

The Witness Security "Memorandum of Understanding" is classified "SENSITIVE," and for reasons of security we are unable to provide a copy for the record. The following, however, is an outline of topics which are covered in this document:

Security Assistance. Maintenance Assistance. New Identity Assistance. Relocation Assistance. Medical Assistance Debts and Related Legal Matters. Mail Assistance. Employment Assistance. Prisoner Witnesses and Families.
Representations by Investigative Agents or Attorneys.
Household Goods Movement Release.
Release for Non-Movement of Household Goods.

Social Security and Revised Identity Agreement.
Mail Forwarding Release.

Outstanding Court Orders and Appointment of Private Counsel. Outstanding Debts/Liens.

Statement of Other Sources of Income.

Summary.

A copy of a Memorandum of Understanding would be made available for the Congressman's personal review at his offices, or ours, if he so desires. Arrangements can be made by calling the Chief of the Witness Security Division at 307-9150.

PERCENTAGE OF PROTECTED WITNESSES FROM DRUG-RELATED CASES

Mr. Rogers. Are you in a position to know what percent of the

witnesses protected now rose out of drug-related cases?

Mr. Morris. Yes. Two years ago less than half of the witnesses being brought into the program were witnesses in drug cases. The latest figure that I have is that 80 percent of the new witnesses entering the program are testifying in drug cases, not the traditional

organized crime cases. It is a remarkable change.

This factor also makes this program more difficult. I am very, very proud of our accomplishments, because this is not an easy program to manage. Several of the witnesses in a terrorist trial are

protected witnesses.

They were not U.S. nationals, and we had all the related language challenges. This is particularly true in the drug area. We are bringing Colombians, Mexicans and people from the Far East for whom we are providing security services and jobs within the United States. They have, in addition to the normal problems of name change and movement away from family, significant cultural and language challenges which are putting new demands on the Witness Protection Program.

AUTHORITY TO ENTER INTO THE WITNESS PROTECTION PROGRAM

Mr. Rogers. Who has authority to sign an agreement with the

witness to give him these rights?

Mr. Morris. It is the Marshal's Service that works out an agreement with the witness along with the sponsoring U.S. Attorney or investigative agency, and together we work out the details of what the government will provide and, perhaps even more important, what the government will not provide.

Mr. Rogers. Well, the truth is that the U.S. Attorney, prosecuting attorney makes that initial decision that he or she has to have, X, Y, OR Z's testimony. That is where the bargaining starts, isn't

it, between that witness and the prosecutor?

Mr. Morris. Yes.

Mr. ROGERS. I have been there. I was a States Attorney and I

know the bargaining that takes place.

So the U.S. Attorney says, I have to have your testimony, so you

are on the gravy train partner. Then they come to you people and say, sign him up. Isn't that the way it works?

Mr. Morris. It doesn't anymore. But it used to work that way. It used to cause severe problems in the program, because you are quite correct that an Assistant U.S. Attorney might have promised a lovely home in Malibu, California, and a Mercedes Benz, and the like, in order to have the witness, who is so important to their case, testify on behalf of the government. Then they came to the Marshal's Service and found out that is not the kind of program that we run.

Now the U.S. Attorneys are well aware of what they can or cannot offer. The government makes no commitments except in writing except through this memorandum of understanding. Those are all cleared through the Criminal Division of the Justice Department, their Office of Enforcement Operations, and with my head of operations along with the security inspectors.

Mr. Rogers. Do any of those people have the right to nix the con-

Mr. Morris. Yes, at any time. Mr. Rocers. Very much?

Mr. Morris. It is not uncommon for a witness to find that the changes in life are just too difficult. Some of them just give up and return to the danger area.

Some move out on their own and we never hear from them

again, and some of them return to crime.

Mr. Rogers. And that violates the contract?

Mr. Morris. Yes.

Mr. Rogers. That relieves you once they commit a new crime?

Mr. Morris. Yes.

Mr. Rogers. What else would violate the contract?

Mr. Morris. Returning to the danger area. That is violating their

Mr. Rogers. When the application is made for a contract to be signed, do you all have any authority to refuse to agree to protect the witnesses?

If the U.S. Attorney requests it, do you have the authority to

reject it?

Mr. Morris. Yes. We do psychological profiling. For example, we have had cases in which we have simply said that based on our psychiatrists' assessments, this person will not work in this pro-

gram.

They may have clinical mental problems of such severity that they will be a danger to the community themselves. We will then refuse their entry into the program. Sometimes we end up with some major debates over psychiatrists profiling certain individuals. Yes, we have refused entry for things like that.

PROTECTION OF WITNESSES

Mr. Rogers. I know some of the personal situations regarding protection of witnesses in that program. Being a former prosecutor, I am the first to realize you have to make some deals for witnesses.

But sometimes they have been living pretty nicely. I think you

need to be sure we are not taking too good care of these people. After all, they are hoods, they are crooks and here they are bargaining off against honest society and making a better living at that than they could at the world of crime.

Mr. Morris. There are some cases where they have done extremely well, but they are few and far between. I think we have been very careful in terms of protecting the public well here.

We have clear limits on what kind of pay stipends we provide and how they will receive resources. Our great goal is to try to get them through training and into jobs, so we don't have to pay, and they can, in fact, re-enter life.

Although we are criticized, from time to time, when the witness does return to crime, we know what the recidivism rate of persons

coming out of prisons is.

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Over 70 percent of our witnesses remain crime free and, in fact, follow agreements and guidelines and become fully contributing citizens. That is the way we like to look at it. It is true that about 20 percent do not.

COOPERATIVE AGREEMENT PROGRAM

Mr. Rogers. I would like to look at it that way, too.

I happen to know of some instances that makes my blood boil. So do your best to protect that program and be sure you don't let some excesses take place.

Quickly, the Cooperative Agreement Program, you are estimating 650 spaces would be provided under that program for the five-year expansion. Have you picked the places yet?

year expansion. Have you picked the places yet?

Mr. Morris. We have some targets at the present. We know

what the problem areas are.

We know where there is potential new construction on which we can piggy-back our contributions. But, we have not made anything

more than exploratory examinations.

We have tried to coordinate with the Bureau of Prisons because they are seeking in their budget requests for 1990 on some enhancements for detention space. That means we can concentrate our resources where the BOP will not be able to provide us support and assistance.

Mr. Rogers. I have exceeded my time. I may submit some ques-

tions for the record.

Mr. Mollohan [presiding]. Thank you Mr. Morris, some Members of the committee may have questions for the record. We will expect you to answer them.

We appreciate your appearance here this morning.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

United States Marshals Service

Witness Security

QUESTION: Could a lack of funds jeopardize your ability to ensure the safety of witnesses?

ANSWER: Although no program increase is requested, our ability to ensure the protection of witnesses is maintained through increased efficiency and safety within the Witness Security program. The Service has done this by developing the use of witness security inspectors, Deputies dedicated exclusively to providing witness security, and the operation of the new Safesite and Orientation Center. The Center provides a centralized, secure environment for the completion of the entire intake and evaluation process involved in accepting a new witness into the program. This centralized process is both more efficient and secure than the regional-based process used prior to the opening of the Center in November, 1987.

Judicial Security

QUESTION: Your FY 1989 appropriation for Judicial Security is \$2.7 million above your original request and \$7 million above the FY 1988 appropriation. How were you able to utilize these funds to improve security especially for high threat drug and terrorist related trials?

ANSWER: As the number of major drug and terrorist cases continues to grow, the Marshals Service must provide increased levels of security for all phases of the judicial process. This includes pre- and post-trial proceedings, actual trials, and personal security for marshals Service resources are applied to these unprecedented situations.

Between 1987 and 1988, time devoted to criminal proceedings increased by 10 percent, three times the overall growth for all types of proceedings. This year's docket is just as troublesome.

Today about 60 percent of the criminal proceedings requiring Marshals Service protection stem from drug charges. The remainder are for crimes just as dangerous, e.g., sedition and terrorism. The security impact such proceedings have on our workload is readily apparent. Three cases, one completed in 1988, another ongoing, and one still in the pre-trial stage, demonstrate this disturbing trend.

The case of the <u>United States v. Scutari, et. al.,</u> tried in Fort Smith, Arkansas, involved 14 defendants from alleged Anti-Semitic and Neo-Nazi groups charged with

sedition. Before their acquittal, these defendants spent over a year in Marshals Service custody. The Fort Smith office has only six full-time Deputy Marshals. During the course of the proceedings, some 50 Deputies were sent from other districts to ensure adequate security.

A trial which began last year and still continues is <u>United States v. Rupley. et. al.</u>, in Reno, Nevada. Reno has only five full-time Deputies, hardly enough to guard the 20 defendants charged with manufacturing, possessing, and selling controlled substances, along with racketeering and operating a criminal enterprise. They also threatened witnesses and law enforcement officers in open court during pre-trial hearings. The trial will last through March and will cost more than \$1 million for overtime and travel solely for extra Deputies needed for security.

The case of the <u>United States v. Juan Matta-Ballesteros</u>, is now in the pre-trial stage. The defendant, reputed to be the key figure controlling the flow of illegal drugs from Mexico, faces numerous drug charges, and may have been involved in the murder of DEA agent Enrique Camarena Salazar. Matta-Ballesteros has been in custody since last April. The security surrounding his expected pre-trial appearances is rivaled only by that afforded his drug cartel associate, Carlos Lehder-Rivas, who was convicted in Jacksonville last year. No date has been set for Matta-Ballesteros' trial, which, once started, could last well into FY 1990.

Once infrequent, such cases (particularly multipledefendant proceedings in remote venues lasting years at a time) are now all too commonplace.

In 1988, the proliferation of such proceedings saw the number of Deputies on special assignment double from the previous year. So far this year, special assignment requirements are ahead of the 1988 pace. Special Assignments provide the resources necessary to augment district staff during high-threat proceedings by allowing the Service to assign Deputies from other districts to the understaffed venues and pay for their overtime and travel while on assignment.

Last year, some 213 serious threats were lodged against members of the judicial community, requiring the establishment of 69 protective service details. The Service must take all threats seriously, even though some may prove to be unfounded. Even bogus threats represent a significant workload requirement, because judicial officers are given protection when there is any danger that the threat is valid.

A sample of the serious nature of some threats proves that they are made and violence occurs not only before and during trials, but after proceedings have concluded. Although numerically unchanged (50 to 60 per year), protective details have increased in length and cost. Two

protective details in Puerto Rico, that began in 1984 and 1985 and continue today, involve Chief U.S. District Judge Juan Perez-Giminez and United States Attorney Danny Lopez-Romo, both as a result of the "Los Macheteros" case and the movement in Puerto Rico for independence from the United States. In 1986, a protective detail was initiated for U.S. District Judge Paul Benson, addressee for a mailed pipe bomb. The detail continued until late 1987, lasting more than a year.

Most protective details relate to criminal prosecutions. However, there is an increasing trend of threats of violence related to civil cases. Last fiscal year, U.S. District Judge Richard Daronco, Southern District of New York, was murdered as a result of a civil case. U.S. District Judge Leonard B. Sand has received numerous threats as a result of his civil case decision to order low-income housing in the middle-income area of Yonkers, New York. As a result of numerous demonstrations at his residence, Judge Sand is currently under limited Marshals Service protection. Service protection.

As danger in and out of the courtroom escalates, increasing reliance is placed on the Service's Special Operations Group (SOG). The mission of SOG is to provide operational support and expertise to the United States Marshals Service. This involves high-risk/threat situations related to court security, fugitive operations, personal protection, prisoner transportation, seigures, situations related to court security, rugitive operations, personal protection, prisoner transportation, seizures, witness security or any other law enforcement functions assigned to the Service. This mission is in addition to SOG's traditional responsibility of responding to situations of national significance at the request of the prison of Attorney General such as Wounded Knee or the Director or Attorney General, such as Wounded Knee or the prison riot at the United States Penitentiary in Atlanta.

In 1988, SOG responded to high-threat trials, seizures and arrests involving narco-terrorists, White supremacy groups and violent, professional criminals. This frequently required one or more six-man teams to respond quickly to a particular situation in a city or region. Current SOG members are located throughout the United States.

Examples of high-risk/threat missions accomplished by SOG are the following:

- 1) Domestic Terrorism Security for Levasseur trial in Springfield, Massachusetts
- 2) Domestic Terrorism Security for White Supremacist trial in Fort Smith, Arkansas 3) Narcotics Security for Gutierrez trial in Los
- Angeles, California (DEA Agent Camarena-Salazar murder trial)
- 4) Narco-Terrorism Completion of Carlos Lehder drug trial in Jacksonville, Florida
 5) International Terrorism - Security on Fawaz Younis,
- alleged Lebanese hijacker in Washington, D.C.

Carly Barrier Burger

6) Domestic/International Terrorism - Security and prisoner transportation involving Los Macheteros between Connecticut and Puerto Rico
7) Narcotics - asset seizure in North Carolina, code named "Operation River Rat"

- 8) Domestic Terrorism Arrest of 15 Most Wanted Fugitive
- 8) Domestic Terrorism Arrest of 15 Most Walled Fugital Kem Martinson (Posse Comitatus) in Las Vegas, Nevada 9) Narco-Terrorism Security for the Jerry Lequire trial, Montgomery, Alabama, (leader of an international narcotics organization charged with murder of a Government witness and RICO violations).

The increased funding made available for FY 1989 has enabled the Service to handle these and other high-threat requirements. We have been able to move sufficient Deputies and resources to "hot spots" as the need arises, and, thus, have been able to meet the security needs of the Federal Judiciary.

1990 Program Increases

QUESTION: You are requesting program growth of \$4.7 million for FY 1990. Please explain the need for these funds and the impact if they are not provided?

ANSWER: For 1990 the Marshals Service request for 83 additional positions, 42 workyears, and \$4,700,000 is required to meet a growth in workload generated by the Administration's determined efforts to combat drug and terrorist activity.

The workload is uncontrollable because it is, for the most part, generated by other law enforcement agencies, especially the Drug Enforcement Agency (DEA), the Federal Bureau of Investigation (FBI), and the United States Customs Service. As these agencies increase their efforts to apprehend and prosecute drug traffickers, the Marshals Service must handle an increasing number of lengthy and costly multi-defendant trials. Processing high-threat criminals through the courts takes additional staffing dedicated specifically to these cases. Without additional staffing and funding, the Marshals Service will not be able to provide an adequate level of security for these The workload is uncontrollable because it is, for the most able to provide an adequate level of security for these trials.

All 83 positions and \$4.7 million sought for Judicial Security in 1990 address this concern. Of this total, \$2.5 million is for Special Assignments. This provides the resources necessary to augment district staff during high-threat proceedings by allowing the Service to assign deputies from other districts to the understaffed venues and pay for their overtime and travel while on assignment.

Included in these positions are 68 Deputy Marshal positions and \$1.7 million to meet the increased demand for ongoing district-based judicial security. The Service has some 300 offices in 94 Federal Judicial Districts nationwide averaging fewer than 10 Deputies per office.

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These resources provide the critical flexibility we need to respond to such proceedings.

Also included are 15 Deputy Marshal positions and \$500,000 to provide the "backfill" needed to ensure that Special Operations Group (SOG) members can be deployed for security and prisoner transportation at high-threat proceedings and home districts can maintain ongoing operations during their absence.

Care of U.S. Prisoners

QUESTION: For FY 1989 you received \$101 million for Care of U.S. Prisoners, a \$2.7 million increase above your request. Do you believe the \$101 million is sufficient to fully fund this largely uncontrollable program for FY 1989?

ANSWER: Projecting the required number of jail days is difficult. Based upon our latest estimates (which take into account the Supreme Court ruling upholding Sentencing Reform), the Service may require as much as 2.5 million contract jail days for 1989 which would represent an increase of over four percent over the 2.4 million days shown in the FY 1990 Congressional submission. If a need for further funding occurs, we will request a reprogramming from Cooperative Agreement Program (CAP) funding.

QUESTION: The number of jail days used in State and local facilities increased by 29 percent in FY 1988 and by another 26 percent in FY 1989. Why do you believe the jails days will increase by only 15 percent in FY 1990?

ANSWER: We anticipate that the rate of increase in contract jail day usage may begin to lessen by 1990. Since the full impact of the SRA is still unknown, we are closely monitoring the most current data on actual jail day usage, and the 1990 jail day projection will be reassessed if it appears to be necessary.

QUESTION: How much additional funding would be needed if FY 1990 jail days increase by 26 percent instead of 15 percent?

ANSWER: If the contract days for FY 1990 increase by 26 percent over the FY 1989 level of 2,568,200 now projected, funding for a total of 3,235,900 days will be required. At an average daily rate of \$43.05, an additional \$19 million would be required.

Assets Forfeiture Fund

QUESTION: You have raised your estimates for collections into the Assets Forfeiture Fund in FY 1989 from \$150 million to \$450 million. Does this growth reflect the additional agent and U.S. Attorney assets added in the FY 1989 Appropriation and Drug Supplemental?

ANSWER: Our original estimate for 1989 receipts was \$240 million. The Anti-Drug Abuse Act added resources of \$39 million to the U.S. Attorneys appropriation, of which \$22 million was specifically earmarked for asset forfeiture activities. This resource investment was projected to generate additional receipts of approximately \$210 million for the Asset Forfeiture Fund. A large portion of the estimated increase in income from 1988 to 1989 is due to this increase in resources for the U.S. Attorneys.

QUESTION: How confident are you that you will achieve these goals?

ANSWER: Income as of February 28, 1989, for the Assets Forfeiture Fund is approximately \$95 million. Additional staffing for the U.S. Attorneys is expected to be on-board by June 1989. During the last six months of the fiscal year, we expect to see a very substantial increase in income generated from forfeitures by the U.S. Attorneys. As our new employees are still coming on board and being trained, we cannot state with certainty that we will fully achieve the projected levels of collections during the second half of FY 1989. The Department is, however, fully committed to achieving its goal and is doing everything possible to achieve it.

QUESTION: In FY 1990 the Department will realize the full year impact of the FY 1989 agent/attorney resources, and yet you project only a 4 percent increase in collections, from \$450 to \$470 million. Why?

ANSWER: In the Anti-Drug Abuse Act of 1988, the U. S. Attorneys received \$22 million to be used for asset forfeiture and civil enforcement activities. This funding will allow the U.S. Attorneys to hire 350 additional staff of which 175 will be Assistant U.S. Attorneys (AUSAs). In January, 171 AUSA and 171 support positions were allocated to the U.S. Attorneys' offices throughout the country. It is planned that the 171 AUSAs and support personnel will be on-board by June 1, 1989. Annualization of this increase (assuming an allocation of the remaining 4 AUSA and 4 support positions) will result in full year funding for the 175 AUSA positions in 1990. Since training of these new attorneys and support personnel will continue into the fourth quarter of FY 1989, and FY 1990 will be the first full year of performance by these personnel, the Administration has presented a conservative estimate for total receipts to the Assets Forfeiture Fund in FY 1990.

There are several reasons why it is best to be conservative in this matter. First, we are initially deploying the new resources against those cases that are most susceptible to quick resolution and prompt return. Both the FBI and DEA have produced target lists of cases in which a prompt return is likely. Moreover, as the General Accounting Office (GAO) audit team has found, a high percentage of cash seizures go uncontested. This

will also be an area of early opportunity. Subsequently, for FY 1990, this means that the new staff will be addressing the more complex and time-consuming portion of property under seizure. These cases can take up to 24 months to litigate or settle with the return on investment occurring much later.

The GAO audit team also noted that the government is receiving less than 10 cents on the dollar value (as appraised) from the forfeiture and sale of real property. This is primarily due to a high degree of mortgage debt against these properties, overly optimistic appraisals of market value, and difficulties encountered in obtaining full market value upon sale because of industry concerns over the marketability of title. Since real property makes up more than one third of the value of all assets currently seized, our estimates may need to be revised due to the probable return from liquidation of the inventory.

QUESTION: With the additional forfeitures being processed, I can understand why asset specific expenses would rise, but I don't understand the decision to increase program-related expenses. Your FY 1989 request identified program related expenses of \$44 million, but you now show \$75 million, a 70 percent increase. What is the rationale for this huge increase? For the record please provide a detailed explanation, for each increase.

ANSWER: There seems to be some confusion about our estimates for program related categories contained in our 1989 and 1990 Congressional Budget justifications because of legislative changes in definitions and categories. We have prepared a detailed "cross-walk" between the submissions, which is attached. This chart reflects the difference in estimated expenditures for 1988 and 1989, as depicted in each of the Congressional Budgets. The 1989 Congressional Budget justification, however, was prepared long before the enactment of the Anti-Drug Abuse Act. This Act provided that expenses related to Evidence Destruction and Contracting for Services would be categorized as program-related expenses and subject to appropriation. As a result, expense estimates previously contained under the "Other Asset Specific" category are now reflected under program-related expenses. If you add this category to program-related expenses for both 1988 and 1989, you will see that there has been almost no change in the estimates for either year and that the change in expenses from 1988 to 1989 has not changed appreciably from that submitted in support of the 1989 appropriation request.

Additionally, the 1990 Congressional Budget justification reflected our best estimate at the time of this submission of actual expenditures for 1988. Our crosswalk provides the most accurate display of these expenses by category as depicted in the 1988 Annual Report. These expenditures were well within our statutory authority. Thus, a more relevant comparison should be drawn between actual 1988

	FY 1988	988	FY 1989	986	FY 1990
ASSETS FORFELTURE FUND	1989	1990	1989	1990	1990
	Congr Budget	Congr Budget** Congr Budget	congr Budget	Congr Budget	Congr. Budget
NOT SUBJECT TO APPROPRIATION					
Asset Mrt & Disposal	20,500	23,232	29,300	111,000	89,000
Equitable Sharing	53,000	76,715	75,000	120,000	128,200
Other Asset Specific	22,491*	10,052	32,800*	20,000	20,529
Total Asset Specific	95,991	109,999	137,100	251,000	237,729
SUBJECT TO APPROPRIATION	•				
Automated data process	4,545	5,681	.6,500	10,100	10,100
Awards	11,150	9,937	15,900	12,700	37,700
Purchase of Evidence	13,000	13,007	18,600	13,600	13,600
Equipping conveyances	13,460	19,639	19,200	24,000	24,000
Training and Printing	1,854	1,233	2,700	000,4	4,000
Subtotal	44,009	49,497	62,900	64,400	89,400
Evidence Destruction	*	618	*	1,100	1,100
Contracting for Services	*	522	*	9,500	9,500
Total Program related	44,009	50,637	62,900	15,000	100,000
TOTAL EXPENSES	140,000	160,636	200,000	326,000	337,729

*Costs associated with "Evidence Destruction" and "Contracting for Services" are included in the estimates for "Other Asset Specific" expenses in the 1989 Congressional Budget.

**Actual expenses for FV 1988 have been updated to reflect the most accurate level of expenses by category. These expenses differ from those presented in the 1990 Congressional Budget.

· K program-related expenditures, which totalled \$50.6 million, and estimated 1989 program-related expenditures as depicted in the 1990 Congressional submission, which totals \$75 million. This comparison reflects an increase of approximately \$24 million for these expenses and remains within the appropriated cap of \$75 million.

of this \$24 million increase, approximately \$4.4 million is related to an increase in automated data processing, and approximately \$9 million is related to an increase in contracting for services. The increase in ADP is largely due to the development and implementation of a seized asset management system in the USMS districts and seized asset regions. The increase for contracting for services is discussed in the answer to your next question.

QUESTION: In your FY 1989 request you identified no amounts for "Contracting for Services" and yet you now show \$9.5 million for this purpose. What are these services and why do you need \$9.5 million for them?

ANSWER: These special contract services are primarily for processing and accounting for forfeitures at FBI, DEA, USMS, and U.S. Attorneys' offices. Administrative resources have not kept pace with increases in workload. These contract services allow the Department to maintain adequate inventory control over a huge inventory of seized property, to handle the large volume of paperwork associated with forfeiture processing, to respond to internal and external demands for better inventory and financial management information, and to reduce backlogs in forfeiture processing. Without these resources to manage the paper burden, our forfeiture process would slow and the inventory of assets under seizure would grow at an increasing rate. The result of these changes would be to decrease asset storage and maintenance costs and to decrease deposits of forfeited monies into the Assets Forfeiture Fund.

QUESTION: Does the Department plan to submit a reprogramming to the Committee on these FY 1989 increases?

ANSWER: The estimated 1989 obligations, as depicted in the 1990 Congressional Budget, for those Assets Forfeiture Fund activities subject to the definite budget authority limitation, are those activities justified in support of the 1989 appropriation request. The \$75 million level is contained within the annual appropriations act, and was intended to authorize just those activities now covered by the amended Asset Forfeiture Fund statute as subject to appropriation. The 1990 Congressional Budget provided the first opportunity to display how this authority was allocated by particular activity under the amended statute. There are no planned changes in program-related expenses in 1989 from those authorized in the law. Should there be a deviation from the 1989 levels that appear in the Congressional justification and the change requires a

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reprogramming notification, the Department will submit a notification.

QUESTION: You estimate transfers to the Bureau of Prisons (BOP) at the end of FY 1989 of \$88,850,000. If you had sustained your original amounts for program-related expenses in FY 1989, would this not have freed up an additional \$50 million for BOP, an amount sufficient to build a medium security prison?

ANSWER: As explained above, the actual increase in estimated program-related expenses from 1988 to 1989 is approximately \$24 million. If we sustained our 1988 level for these expenses, a part of these funds may have been available as surplus. A significant part of the \$88.9 million planned to go to BOP reflects additional revenue arising from an increased level of forfeiture activity. This increase forfeiture activity necessitates greater expenses for awards, contract services and other items. The majority of the increase in our estimates between our 1989 and 1990 submissions is attributed to increases in uncontrollable asset specific categories. Since these expenses are uncontrollable, they would not be available as unobligated resources to fund prison construction projects anyway.

QUESTION: Why are you projecting a threefold increase in FY 1990 for awards for information and assistance -- from \$12.7 million to \$37.7 million? Is this increase necessary?

ANSWER: Awards for information leading to asset forfeitures are discussed with informants during the investigative phase of cases. Thus, the existing backlog of forfeiture cases involve potential award claims of over \$10 million. As we press forward to dispose of a greater proportion of the pending judicial forfeiture cases, the demand for award payments will greatly increase. Thus, a \$25 million increase for award payments is necessary to facilitate the rapid disposition of pending forfeiture cases and increase the revenue collected for the government.

QUESTION: What would be the impact on the Department if we limited your FY 1990 program-related expenses to FY 1989 plus inflation -- \$78 million?

ANSWER: The significant resource investment in U.S. Attorneys in 1989, will result in a decrease in caseload backlog as well as an increase in new caseload. This will result in increases in requirements for award payments, evidence destruction, and payments for special contract services to account for and process forfeiture related paperwork and reports. Without increases in our authority to use forfeiture proceeds to fund these program requirements, severe cutbacks would be required in allocations for equipping conveyances, installing for forfeiture-related ADP systems, and for purchase of

evidence and purchase of information in drug cases. New backlogs may be created, and anticipated revenue could be foregone. In addition, this could adversely effect the collection of adequate information necessary to make strong drug and forfeiture cases, which, in the longer-term, could decrease revenues even further.

Cooperative Agreement Program

QUESTION: How many jail days are provided by Cooperative Agreement Program (CAP) funded facilities and how many by others?

ANSWER: During FY 1988, 46 percent of the contract jail days were obtained from CAP jails.

QUESTION: What is the average jail day rate for a CAP-funded facility versus other facilities?

ANSWER: On a national average, the jail day rate for CAP jails was \$40.54, slightly more (3 percent) than the \$39.20 national average for all jails used. This is probably because CAP jails tend to be located in major metropolitan areas where rates are usually higher.

QUESTION: What is the average length of time that the Marshals receive guaranteed space at a local facility funded through CAP?

ANSWER: The average amount of time for CAP agreements is between 11 and 12 years.

QUESTION: Are you convinced that bed space provided through CAP is more cost effective than contracting with a facility for space?

ANSWER: Frankly, given the national jail crisis that the Marshals Service now faces, CAP prevented the closure of criminal proceedings in many Federal courts. In fact, some CAP jails faced with severe overcrowding would have terminated bedspace reserved for Federal prisoners if there were not the requirement to repay all CAP funds provided.

Jail space is at a premium, and CAP has somewhat stabilized the loss of contract jail space. In many instances obtaining bedspace by contract with a facility is impossible, and as State and local detention facilities become more overcrowded and the Federal prisoner population continues to soar, the Marshals Service may face a major breakdown of the Federal judicial system. Every day, Deputies travel from 100 to 180 miles one way to and from court just to obtain adequate jail space. This places an overwhelming burden on already limited agency resources and leads to the loss of operational personnel due to job burnout.

Pursuit of Fugitives

QUESTION: There was considerable publicity last year about a "Turf War" between the Marshals service and the Federal Bureau of Investigation (FBI) over the pursuit of fugitives. Actually, I understand the two agencies have been in dispute over the fugitive apprehension responsibilities for the last decade if not longer. Mevertheless, in an effort to resolve the problem, Attorney General Meese identified the specific responsibilities for each agency and made the Associate Attorney General the "Referee" for deciding any jurisdictional questions that might arise. What are the specific fugitive apprehension responsibilities of the Service? How many specific disputes have been referred to the referee and how were they resolved?

ANSWER: The Marshals Service has fugitive apprehension responsibility for Federal cases of escape, bond default, parole and probation violations, and misdemeanors, but not responsibility for State or local fugitives sought pursuant to the unlawful flight statutes.

Exceptions to the above are as follows:

- In bond default cases, the FBI retains apprehension responsibility until after adjudication of the original offense if the case is FBI orginiated.
- 2) The FBI may elect to assume fugitive apprehension responsibility from the Marshals Service for any case that is connected to an FBI Foreign Counterintelligence, FBI Organized Crime or FBI Terrorism investigation.
- 3) The FBI or DEA may elect to assume fugitive apprehension responsibility from the Marshals Service in cases where the FBI or DEA is seeking the fugitive based on charges for additional offenses beyond that of being a fugitive.
- 4) The DEA may delegate to the USMS the apprehension of fugitives based on warrants generated by DEA investigations seven days after the issuance of the warrant.

Subsequent to the approval of the August 11, 1988 fugitive apprehension policy, a meeting was held on November 8, 1988 at which the heads of the FBI, DEA and Marshals Service resolved questions of agency jurisdiction over foreign and domestic fugitives. There have been no disputes referred to the Associate Attorney General for resolution.

QUESTION: Has the action taken last year by Attorney General Meese ended the long-standing friction between the two agencies? If not, what needs to be done? ANSWER: The August 11, 1988, policy has proved to be a satisfactory means of resolving issues regarding fugitive apprehension responsibilities. A working group has been established in an effort to provide a continuing vehicle for dealing with questions as they arise, with the goal of establishing a clear and coordinated policy in domestic and international fugitive investigations.

QUESTION: Will the procedures established to resolve disputes be retained by the current Administration? If not, what mechanism do you believe are needed to resolve disputes?

ANSWER: Attorney General Thornburgh has endorsed the policy established by Attorney General Meese for handling fugitive apprehension responsibilities. The policy set useful guidelines that facilitate inter-agency cooperation and the progress of the working group will be monitored closely.

QUESTION: You request no program growth for fugitive felons and yet you are projecting workload increases in the numbers of fugitive felon warrants (+8 percent) and misdemeanor warrants (+6 percent). How do you plan to accommodate this workload increase?

ANSWER: The Marshals Service is requesting funds in 1990 for automated information systems -- a portion of which will be used to enhance the Service's own Warrant Information Network (WIN). Improving the quality of investigations through the increased use of automated information systems, electronic surveillance techniques and special task forces will assist the Marshals Service in keeping pace with the growing number of fugitive felon and misdemeanor warrants expected in 1990. The Marshals Service will also continue to identify and focus resources on those offenders of highest risk to public safety and those connected to drug crimes.

ADP and Telecommunications

QUESTION: The Marshals Service was supposed to join with the FBI and DEA in an Integrated Digital Voice Privacy (IDVP) program to provide a common, secure communications system. Why were these plans for the IDVP scrapped?

ANSWER: The FBI and DEA are continuing with IDVP based on a combination UHF/VHF system. The USMS is within \$1 million of completing its 1980 long-range radio plan. By allowing the USMS to continue with its basic independent radio system, a total savings to the Government of \$125 million was estimated by the FBI. Therefore, Attorney General Meese made the decision to limit IDVP to the FBI and DEA since there is little if any requirements for the USMS to communicate with the FBI and DEA in a secure mode. If it is necessary, equipment can be shared among agencies.

QUESTION: Does the Marshals Service have plans for acquiring secure communications depablility, and if so, will it be compatible with other agency systems, what are the projected costs and how does that compare with the projected cost of IDVP?

ANSWER: The USMS radio system is a secure digital voice protection (DVP) Motorola system. It is not compatible, in the secure mode, with the FBI, but could be retrofitted for less than \$2 million to be fully compatible if it was determined that it was needed. The original IDVP plans would have required at least \$123 million more.

The National Communications Interoperability Working Group (CIWG) is presently formulating plans to make all Federal law enforcement and military agencies engaged in drug enforcement compatible in the secure communications area.

QUESTION: You request \$900,000 for automation enhancements. Please describe these enhancements and how they will improve your operations?

ANSWER: Resources are requested to enhance three automated data systems: prisoner transportation scheduling, Defendant Based Tracking, and the Warrant Information Network.

Automated prisoner transportation scheduling optimizes time and cost savings and further enhances NFTS operations. A Defendant Based Tracking System provides the Marshals Service, and all other Justice law enforcement agencies, the capability to track the prisoner population as it proceeds through the criminal justice process. Our vantage point in the system -- we are responsible for presentenced prisoners from arrest to final disposition of the case -- affords us the opportunity to capture and share data not available elsewhere. Finally, expansion of the WIN central processing capability is essential for timely fugitive apprehension and will improve the effectiveness of our fugitive investigations.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

United States Marshals Service

1990 Budget Estimates

QUESTION: What were the personnel levels for the Michigan offices (particularly Detroit and Grand Rapids) for FY 1989? Were they different from levels for FY 1988?

ANSWER: The 1988 and 1989 personnel levels for the Eastern District of Michigan (Detroit) and the Western District of Michigan (Grand Rapids) are shown below:

Eastern Michigan 1988 39
Western Michigan 12 14

QUESTION: What is the caseload for the Grand Rapids and Detroit offices? Has there been an increase or decrease in caseload levels?

ANSWER: To understand the full nature of the Service's responsibilities requires examination of a number of disparate activities, ranging from judicial protection and prisoner transportation to fugitive apprehension and seized asset management. The indicators listed below for the Districts of Eastern and Western Michigan, demonstrate a nation-wide trend of growing Marshals Service workload.

Eastern Michigan	1987	1988	Percent Change 1987/88
Criminal Bench Hours	1,848	2,272	23%
Prisoner Productions	3,782	4,019	68
Class I Felony Arrests	128	192	50%
Process Received	3,342	6,373	91%
Asset Seizures	23	357	1,452%
ĺ	1987	1988	Percent Change 1987/88
Western Michigan			
Criminal Bench Hours	484	435	-10%
Prisoner Productions	324	273	-16%
Class I Felony Arrests	14	33	136%
Process Received	1.649	2,555	55%
Asset Seizures	6	58	867%

QUESTION: Do you anticipate increases or decreases in caseload levels for these offices?

ANSWER: Continued increases are expected for all major categories. The minor drop in Western Michigan in criminal bench hours and prisoner productions between 1987 and 1988 is not significant and is more than offset by the astounding growth in seized asset management responsibilities.

QUESTIONS SUBMITTED BY CONGRESSMAN REGULA

United States Marshals Service

QUESTION: \$15 million is being requested under Support of United States Prisoners for Phase II of the Cooperative Agreement Program. Could you explain how this program operates and what this \$15 million will accomplish?

ANSWER: With Bureau of Prison (BOP) facilities an average of 60 percent over capacity -- this overcrowding reaches 70 percent in areas near major Federal court cities -- the Marshals Service must rely, even more than it always has, on State and local facilities to house prisoners in its custody. Each day, Deputy Marshals travel upwards of 200 miles simply transporting prisoners to and from court proceedings.

To ensure a comprehensive strategy to the national detention crisis, the Service coordinates Cooperative Agreement Program (CAP) activity in conjunction with BOP construction planning. The \$15 million requested for CAP in 1990 represents the second phase of a five-part Department of Justice plan to increase detention space. It provides for construction of over 600 State and local jail spaces (guaranteed up to 15 years) in areas where there are severe shortages. Selected facilities in the following States are targeted for such funding: California, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, Nebraska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

THURSDAY, MARCH 2, 1989.

DRUG ENFORCEMENT ADMINISTRATION

WITNESSES

JOHN C. LAWN, ADMINISTRATOR

DAVID L. WESTRATE, ASSISTANT ADMINISTRATOR, OPERATIONS DIVI-

DONALD P. QUINN, ASSISTANT ADMINISTRATOR, OPERATIONAL SUPPORT DIVISION

RICHARD KAY, CONTROLLER

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

INTRODUCTION

Mr. ALEXANDER. Chairman Smith is on his way, and asked that we go ahead and start in order that you might have more time for questions.

We will hear testimony on the fiscal year 1990 budget request of the Drug Enforcement Administration. We will place their budget justification into the record at this point. You may proceed.

[The information follows:]

(1023)

Summary Statement.

Justification of Proposed Changes in Appropriation Language
Consemally of Partylements
Summary of Recources by Propram.

Justification of Program and Performance.

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Downstic Enforcement

State & Local Task Forces. Research, Engineering and Technical Operations

Amp and Telecommunications

And and Telecommunications

Records Management

State and Local Training

State and Local Training

State and Local Laboratory Services

Reacutive Direction and Control

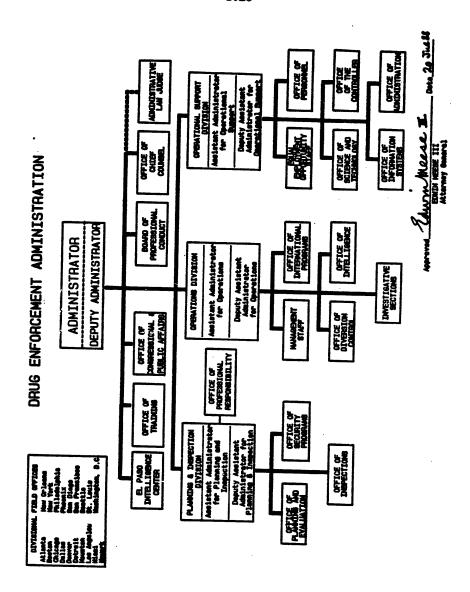
Administrative Services

Financial Analysis - Program Changes Summary of Charge
Justification of Adjustments to Base
Summary of Requirements by Grade and Object Class
Summary of Requirements by Grade and Object Class
Schatus of Construction and Summary of New Facilities Requirements
Schedule of Mofor Vehicles
Schedule of Aircraft
Justification of Multi-Activity Program Changes Organization Chart...... Intelligence.
DRA Intercritory Services. Priority Ranking.

Detail of Permanent Resitions by Category. Drug Diforcement, of Justice Drug Diforcement, Administration Estimates for Fiscal Year, 1999 Table of Contents

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No. 1

Drug Enforcement, Administration Salaries and Engeness Summary Statement Flecal, Year, 1999

The Drug Enforcement Administration (DEA) requests 5,409 positions (2,513 special agents), 5,124 workyears, and \$546,181,000. This includes program enhancements of 334 positions (164 special agents), 167 workyears, and \$53,744,000. However, in comparing the 1990 budget request to the articipated 1989 level, the net result is a reduction of 487 positions and 537 workyears and an increase of only \$11,731,000. These reductions (which total 821 positions, 815 workyears, and \$69,650,000 result from the Congressionally-marked transfer of 762 positions (including 596 agents), 749 workyears, and \$68,366,000 to the Organized Crime Drug Enforcement (OCDE) Task Force Program and 7 workyears and \$550,000 to the Office of the Inspector General. Also included is a decrease of 59 positions, 59 workyears, and \$540,000 for the Office of the Inspector General. Also included is a decrease of 59 positions, 59 workyears, and \$540,000 for the Office of the Inspector General. Also included as decrease of 59 positions, 59 workyears, and \$540,000 for the organization is associated with the OCDE Program and will be returned to DEA on a relaborable basis, no reduction in investigative activity should result.

over the past few years, DEA's investigative efforts have resulted in dramatic increases in arrests, drug removals, and asset selzures and forfeitures. DEA arrested 23,972 violators during 1988. Between 1987 and 1988, concline removals increased 40 percent and heach removals increased 108 percent increased 108 percent for a 1987 to 810 in 1988, a 19 percent increase. DEA's haidpteend focus on financial investigations resulted in asset seizures in 1988 valued at \$657 million—more than \$150 million above IEEA's entities appropriation for that year. Of these seizures, IEEA was the originating investigative apeny for \$78.6 million in cash and property shared with State and local governments (76 percent of the Department's total sharing in 1988) resulting in a higher level of commitment to drug law enforcement without a commensurate increase in appropriated funds.

Despite these noteworthy achievements, the magnitude of the drug problem has created a mandate for further action. The global problems of drug trafficking and abuse are continuing to fael the National commitment to reducing the demand for and the supply of illicit drugs. This request does not assume that investments in DRA alone will solve the problems of drug abuse; however, DRA plays an integral role in the overall Rederal drug strategy. As the enly agency with drug law enforcement as its sole mission, and as the Federal government's lead agency for drug investigations and intelligence, DRA must continue to enhance its investigative and intelligence capabilities in an origing effort to immobilize the criminal organizations supplying illicit drugs to American consumers.

set forth below are DEA's 1990 funding initiatives. The initiatives have been developed utilizing a comprehensive, agency-wide strategic planning process to identify long-term policy goals and derivative management objectives. The resources requested in this budget have undergone close scrutiny, thereby providing an authoritative declaration of the policy and resources required to respond to the challenges confronting drug law enforcement.

INITIALIVE \$1: EXPAND AND FORMALIZE DEA'S FOREIGN DRUG SUPPRESSION PROGRAMS.

Request: 157 positions, 78 workvears, and \$18,776,000

Trends also indicate that the cocaine evallability and consumption has increased significantly. Trends also indicate that the increased popularity of heroin used in conjunction with other drugs, coupled with decreased prices, has led to a resurgence in heroin consumption as well. Considering that all of the cocaine and heroin, and most of the martituan consumed in the United States originates from foreign countries, international narcotics control is an area of primary concarn. While all aspects of the Federal drug strategy are important, supply reduction is DRN's highest priority for two fundamental reasons: first, the excessive supply of drugs creates even greater levels of demail second, disrupting the first and least lucrative link in the grower-to-user chain will reduce the profits of trafficking organizations at a mach smaller relative cost to drug law enforcement. Consequently, DRN's foreign the supply of cocaine and heroin at the source are crucial to the success of the Federal drug strategy.

The majority of DEA's operational initiatives overseas are implemented on a temporary duty basis through the Special Enforcement Operations (SEO) program. This request seeks to formalize and expand the SEO program. In the past, positions have been diverted from regular domestic operations to staff foreign SEOs, thereby creating a significant drain on the capabilities of the domestic program. Expansion of DEA's overseas presence through the Foreign Cooperative Investigations Program will also enhance DEA's effectiveness by laying the foundation for future SEOs.

INITAMITYE #2: FORMALIZE A NATIONAL NAROOTICS INTELLIGENCE SYSTEM

Request: 97 positions, 49 workyears, and \$7,390,000

The role of DEA's intelligence program is to lend worldwide support to drug enforcement initiatives; as such, this request is actually a component of DEA's funding initiatives aimed at foreign and domestic enforcement activities. National Security Decision Directive No. 221 characterizes global narcotics

trafficking as a serious threat to National security. To assist Federal policy makers in determining the most effective allocation of scarce resources and to aid investigators in maximizing the full potential of criminal cases, more comprehensive and accurate intelligence information is required. This request is intended to provide a comprehensive enhancement of DRN's intelligence program to (1) respond to strategic infulligence requirements emenating from DEN's designation as the lead agency for drug intelligence; and (2) provide adequate financial and operational intelligence to support DRN's current investigative workforce.

of the 97 positions requested, 31 intelligence analysts will be solely dedicated to the collection, analysis, and exploitation of strategic drug intelligence on a worldwide basis. Given DRA's role as the lead agency for intelligence, it is essential that DRA chain resources required to develop congressmalve data on trafficiting and production, inch dementically and abroad, on drug consumption, and on the organizations involved in distribution. Further, improved intelligence capabilities will greatly assist policymakers within DRA and the Pederal government in making decisions regarding the deployment of drug resources. Sixty-one intelligence analysts will be devoted to providing direct operations intelligence in apport of orgoing DRA investigative activities. This will help DRA overcome the existing shortfall between agents and analysts which has developed over the past servaral years.

INITIATIVE #3: DMOBILLZE MAJOR TRAFFICKING AND THEIR TRAFFICKING ORGANIZATIONS BY EMMACING DEA'S DOMITIANGLY RAFFICKING AREAS

Recuest: 72 positions, 36 workyears, and \$15,700,000

The Investigations Committee of the National Druy Policy Board established as its highest priority the strategy to immobilize the most significant druy trafficking organizations. The Prosecutions Committee declared its principal strategy to be a priority targetting scheme that would reduce the supply of illegal druys in the United States by destroying the major national and international cartels responsible for druy trafficking. As trafficking organizations have grown increasingly specialized, DRA has been forced to tailor its operations in response.

As such, this initiative focuses on improving DEA's capabilities in financial investigations, joint operations with State and local governments, and clandestine laboratory initiatives. These specialized initiatives, used in conjunction with traditional drug investigations, will result in a more comprehensive domestic drug enforcement strategy. In addition, this request also includes funding to

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enhance the investigative support infrastructure that greatly impacts on the safety, effectiveness, and efficiency of DRA's operations, both basic and specialized. These enhancements include improved firearms, increased training, additional chemist support, and replacement laboratory equipment.

INITIATIVE 14: EXPAND DEA'S SUPPORT SERVICES IN NEY AREAS OF SHIRTING

Request: 8 positions, 4 workvears, and \$21,878,000.

The magnitude of the Nation's drug problem has led to significant resource increases for DEA over the past several years. However, not all support programs have received sufficient increases to allow them to keep pace with the requirements for services. One of the more significant shortfalls to be funded through this initiative is for automated and processing (ALP) services. In an agency as reliant upon accurate and timelially information as DEA, the automated input, processing, an analysis, and retrieval of one-related data is cutcial. This request includes \$16.2 millian to provide improved information services to field spends. In addition, this initiative also includes enhancements for laboratory expension, statistics programs, and DEA's health programs.

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Drug Enforcement Administration Salexies and Expenses 1990 Crosswelk of Initiatives by Decision Units (Collers in thousand)

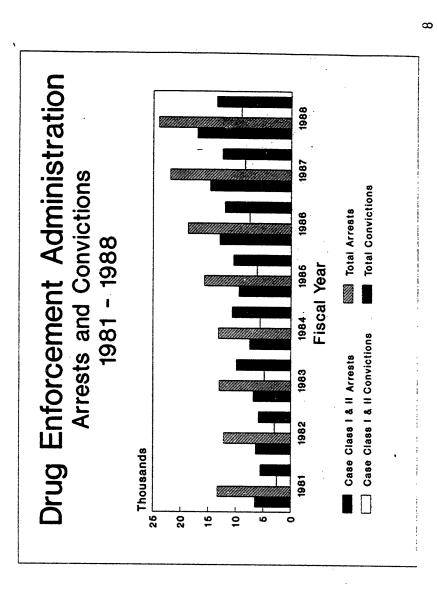
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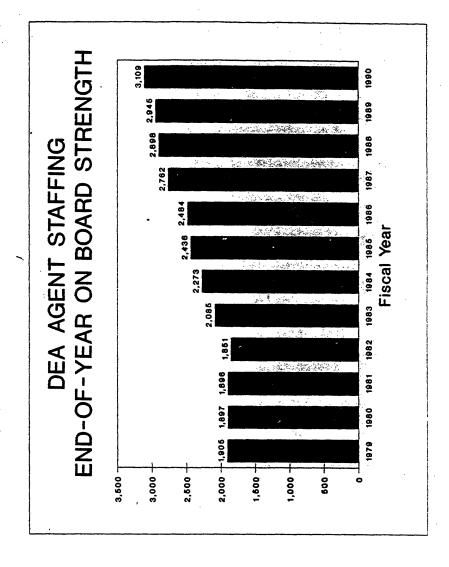
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	<u> </u>	£ 5	Expend and Formalize DEA's foreign brug				Ī	# 15k	Immobilize Major Traffickers and	3 3	of of	Expand DEA's Support Services in Key			
	# ž	Augures Ion/ Enforcement	Appression/ Enforcement Programs		Į.	Intelligence	# &	Their Traffic Organizations	lheir Trafficking Organizations		Areas of Staff Mortages) tej	ž	Total Decision Unit	ž
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Domestic Enforcement	3	×	575,918 77 831	: :			æ	=	3 140	: :	: :		Ē	: 5	173 67 819,643
foreign Cooperative Investigation Program	•	•	2,23	:	:	:	:	:	:	:	:	i	•	•	2,23
State & Local Task Forces	:	:	:	:	:	:	2	2	4,162	:	:	:	×	2	4,16
Intelligence	:	:	፥	8	\$	87,390	:	:	÷	:	:	:	26	\$	7,390
DEA Laboratory Services	:	:	፧	:	:	:	2	2	3,396	:	:	13,000	2	2	6,398
DEA Training	:	:	:	÷	:	:	:	:	9,000	:	:	:	•	•	2,00
ADP & Telecommistations	:	:	:	:	:	:	:	:	:	•	•	18, 161	•	m	18, 161
Executive Direction & Control	:	:	:	:	:	:	:	:	•	~	-	25	~	-	217
Administrative Services	: :	:			:	:	:	:	÷	:	:	8	•	•	8
TOTAL	157	R	18,776	6	\$	7,390	22	*	72 36 15,700	•	•	8 4 21,678	ž	19	334 167 63,744

Drug Enforcement Administration Domestic Summery Statistics

	FY 1981				FY 1985	FY 1986	fr 1987	1988	fy 1981-8 X Change
					:		:	:	
Total Arrests	13,266	12,166	12,981	13,118	15,709	18,681	21,869	27,22	8. 2.
Case Class I and II Violator Class I and II	6,491	6,376 2,121	6,828	7,458 2,848	9,443	12,928	14,691	17,026 8,195	, 162.3x
Total Convictions	\$1518	5,861	3,844	10,668	10,403	11,993	12,427	13,484	25, 251
Case Class I and II Violator Class I and II	2,519	2,944	4,820 1,845	5,579 2,193	6,155 2,549	7,494	6,376	9,020	258.1%
Orug Removals		•							
Meroin (KGS) Cocaine (KGS) Cernable (KGS) Dergerous Drugs (6U)	204.5 1,937.8 1,149,462.8 86,947,651	234.0 5,587.0 1,081,491.4 32,176,326	313.8 8,434.0 867,751.5 21,300,310	354.2 10,985.2 1,289,406.8 13,292,517	439.9 24,654.9 860,840.2 38,531,643	388.6 27,500.1 715,923.6 34,774,658	37,404.8 649,489.3 33,786,528	793.9 55,896.9 532,016.3 103.132.800	286.2% 2794.6% 53.7%
Clandestine Lab Seizures	¥	8	226	312	ş	8	3	010	1 2
Asset Seizures (In Millions)								}	
Salzures Forfeltures	FY 1981-1984 wither not available or not comparable to later years.	ther not eveils	ble or not com	perable	\$246.3 \$59.1	\$400.0	\$509.0 \$152.4	\$657.0 \$197.8	





\$546,181,000 and laboratory A. , 5.48 E. , . 4

Drug Enforcement Administration

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Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed charges in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses for necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to seet unforeasen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed [550], passenger major whicles of Mailoth 459 are for replacement only for police-type use without regard to the general purchase price limitation of the current fiscal year; and sequisition, tess, meltnemore, and operation of aircraft; 1550,000,000,000 for treasents that it regula available until expended; and of which not to acceed \$1,200.000 for treasers that it regula available until expended; and of which not to acceed \$1,200.000 for treasers that the regular available until expended; and of which not see additional to acceed \$15,150,000,000 for technical, and not to exceed \$15,150,000 for the purchase of evidence and payments for information, not to exceed \$15,150,000 for selections equipment it, and not to exceed \$15,150,000 for selections equipment; that it can not to exceed \$15,150,000 for the purchase of evidence and payments for information, and not to exceed \$15,150,000 for selections equipment. until Septmeber 30, [1990] (Reorganization Plan No. 2 of 1973; Reorganization Plan No. 1 of 1968; 21 U.S.C. 801-966 as membed; 40. U.S.C. - 304; Department of Justice Appropriation Act, 1999; additional authorizing legislation to be proposed.)

Explanation of Changes

The second change requests increased authorization to purchase passenger motor vehicles in support of 164 new agents and 30 State and local police officers.
 The second change requests increased authorization for two year funding for the contracting of ADP and telecommuleations equipment.
 The third change requests authorization to incude two year funding for the purchase of takontony equipment.
 The fourth change reasoves the language authorizing the two year money for the purchase of aircraft and related equipment. This language is not required since DEA is not requesting additional aircraft in 1990.

2000年

Salaries and expenses
Crosswelk of 1989 Charges
(Collers in thousands)

				ŭ	Congressional	one l	Adjustments			•							
	2	1989 President's	ident's	₹ ~	Appropriation Actions on	ع <u>د</u>	in Pere.		renefe	Transfers Between	Ş				\$	1989 Appropriation	ē
	•	Budget Request	equest	Ξ.	1989 Request	¥	Workyeers	Ę	¥ec	Accounts		Reprog	Reprogrammings	8	. <	Anticipated	3
11.00		\$,	Pos. IVT Amt. Pos. IVT Amt. Pos. IVT Pos. IVT Amt. Pos. IVT Amt. Pos. IVT Amt.	8	\$	Ĭ.	8	5	8	UY Pos. UY Amt. Pos. UY		ż	5	Aet. Pos.	\$	5	į
1. Enforcement of federal laws and							:			:	:	:		:			
investigations:																	
A. Domestic enforcement 2,078 2,052 \$160,083	2,078	2,052	\$160,083	385	386	(188) (188) (17,970)	3	3		:	:	:	:	:	1,665 1,859	1,859	\$142,113
B. 000E	762	749	63,590	:	:	1,397	:	:	:	:	:	:	:	:	3	749	28.38
C. loreign cooperative investigations	184	454	59,073	:	:	38	:	:	:	:	:	:	:	:	Ş	\$	20.05
D. Diversion control	8	3	33,793	:	:	0,0	:	:	:	:	:	:	:	:	8	3	X.863
E. State and local task forces	\$2	ž	31,404	(20)	(S)	(4,536)	:		:		:	:	: ::	:	Ñ	నే	26,868
	:	:::::::::::::::::::::::::::::::::::::::	****** ****** ***** ***** ***** ***** ****		:	:	:	:	:	;	:	:	:	:	:	:	:
Subtotal 4,160 4,071	4,160	4,071	\$47,943		(508)	(508) (508) (16,171) (5) (5)	3	3	•	•	•	•	•	•	0 3,947 3,658	3,658	328,772
					٠												
2. Investigative support:														3			
A. Intelligence	432	38	31,978	2	2	(36 (36)	:	:	:	:	:	:	:	:	452	407	31,677
8. DEA taboratory services	227	23	16,366	:	:	(\$01)	:	:	:	:	:	:	:	:	227	2	15,065
C OEA training	75	\$	5,346	ន្ត	2	\$,092	:	:	:	:	:	:	:	:	2	2	10,438
0. R&E and technical operations	8	267	55,977	೩	۰	(8,616)	i	:	;	:	:	:	:	:	2	276	198'29
E. ADP & telecommunications	33	2	45,805	2	2	6,679	ŝ	900	:	:	:	:	:	:	33	2	52,484
f. Records management	*	5	4,453	9	9	\$	8	8	:	:	:	: :	:	:	2	ĸ	4,639
Subtotal	1,220	5.	464, 464 1, 15 154, 955 74 64 5, 539 (12) (12) 0 0 0 0 0 0 1, 282 1, 167 142, 464	z	3	5,539 (12) (12) 0	ê	2	-	•		•	•	•	1,282	0 1,262 1,167	162,464

Orug Enforcement Administration Salaries and expenses Crosswell of 1999 Charges, Continued (Dollars in thousands)

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				88	Congressional Appropriation) 	Adjustments In Pers.	į .								2	
	• •	1989 President's Budget Request	dent's	4 5	Actions on 1989 Request	s :	Pos. & Morkysers		Transfers Between Accounts	afera Beti Accounts	•	ge	Reprogramings	ş	\$ -	Appropriation Anticipated	£ 9
<u>.</u>	ğ	Pos. 57	Pos. UT AME, Pos. UT AME, Pos. UT Pos. UT AME, Pos. UT AME, Pos. UT AME,	Pa. 5	5	Amt. Foe. UT Foe. UT Amt. Foe. UT Amt. Foe.	\$	\$	į	5	3	8	5	į	į	5	į
3. State & local sesistance: A. Siste & local training	2 %	2.2	83,066 1,838	::		= B	11	11			::	::	::	::	ន្ត	22	3,078
Subtotal	×	×	066'7 75 55 0 0 0 0 0 0 0 0 0 97 0 0 708'7 75 55 ::	•	•	3	55 0 0 0 0 0 0 0	•	•	•	•	•	•	•	8	¥	4,950
4. Program direction: A. Executive diffection & control D. Administrative services		3 ≅	17,893	≅ 3	\$ \$	3,867	€ ;	€ ;	(965) (7) (4) (9) (8)	€ :	` <u>@</u> :	::	::	::	* 8	3 %	21,210
Subtotal	-	452 417	452 417 28,300 178 176 10,514 (4) (4) (14) (7) (550) 0 0 0 612 582 38,264	2	2	28, 300 178 176 10,514 (4) (4) (14) (7) (550) 0 0 0 612 582	3	€	:	8	8	•	•	•	5	3	¥2,32
055,487 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887 5,887	5,887	5,657	057'HES 1999'S 940'S 0 0 0 (055) (1) (11) (12) (12) (12) TH 70'0ES 1599'S 109'S	3	R	(3,072)	ê	. €	: :	8	8	•	•	•	5,896	3,	534,450

Congressional Action. In 1989, Congress appropriated 5,710 positions, 5,579 workyears and 8505,000,000, denying program increases of 177 positions, 78 workyears, and 833,100. As part of the 1988 Anti-Drug Abuse Act, Congress appropriated an additional 221 positions, 110 workyears and 830,000,000 to DEA.

Adjustments in Permanent Positions and Workyears. These adjustments reflect management and pruductivity (A-76) Savings.

Transfers to and from other accounts. The establishment of a separate Office of Inspector General within the Department of Justice (DOJ) requires the transfer of resources dedicated to this function to DOJ.

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Superiorement Administration Salaries and expenses Sumery of Requirements (Dollers in thousands)

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Ujustaments to base: Department of Justice Appropriation Act of 1989. 1989 supplemental provided in the Anti-Drug Abuse Act of 1988. 1989 as enacted. Adjustments to persument positions and workyears (4-78). 5,	5,710 5,578 8565,000 2 111 125 2 110 30,000 2 5,921 5,689 835,000 (21) (13) (15) (15) (15) (15) (15) (15) (15) (15
-	
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-	
Transfers between accounts (Inspector General)	
1989 appropriation anticipated.	
	(40) (40)
	(762)
	:
767, \$1075 \$1075	5,075 4,957 482,437

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Substantial Administration Salaties and expenses Sumary of Regulromants, Continued (Collars in thousands)

	96	1989 Appropriation Anticipated	5 B		1990 Base		2	1990 Estímate	ş	Incre	Incresse/Decresse	i
Estimates by budget activity	8	5	Amount	į	5	Pos. VT Amount Pos. VT Amount Pos. VT Amount Pos. VT Amount	\$	5	Amount	Ş	5	Amount
1. Enforcement	3,947	3,858 1,167 24	\$328,772 162,444 0,950	£1,2 82,1 82	5,27 7,22,3	221,451 25,123 5,168	3, 16 21, 1 22, 23	3,215 1,274 34	\$307,493 191,072 5,168	\$ <u>2</u> :	इंड	\$26,078 36,949
4. Program direction	612	8	38,264	ž	3	12,23	201	\$	42,448	~	-	7
Total 5,996	% %	3,8	5,896 5,661 534,450 5,073 4,957	5,0%	,8 ,8	5,006 5,661 534,650 5,077 4,987 482,437 5,409 5,124 546,181 334 167 43,744	2,409	5,124	546, 181	482,437 5,409 5,124 544,181 354 167	5	25,72
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Estimates by Program Post. VY Amount Post. VY		2	1986 as Enacted	nected	=	1966 Actual	ĭ	ጅ	Mattel	1989 Appropriation Anticipated		1990 Base	:	_	1990 Estimete	il mete	Ē	Incresse/Decresse	creee
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	forces	ŝ	ž	2,3	£	ž	21,910	Ŝ	ž	26,868	83	న	27,814	ž	247	31,976	≈	2	3.
		3,927	3,880	312,671	3,927	3,811	308,987	3,8,7	3,658	X8,77	5, E	3,31	281,415	3,264	3,215	307,493	8	호	26,078
Invelligence	. Investigative supports																		
PERA Leboratory services 223 219 12,639 223 199 13,990 227 221 15,865 227 223 14,776 247 233 21,174 20 19,714 1,103 140,425 1,141 1,141	Intelligence	3	22	28,35	3	353	24,002	432	\$	31,677	755	ž	33,846	ž	ş	2 2 3	6	ş	¥,7
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Adv and telecomm	technical operations	ž		37,991	£	ž	39,305	22	276	196'29	22	310	37,214	25	310	37,214	:	:	:
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6 221 570,191 175,1 575,1 551,181 1520,1 464,664 1,585 1,167 162,041 151,1 151,1 151,1 151,1 151,1	Records management	8	ĸ	4,346	8	ĸ	4,261	2	R	4,639	2	8	4,852	2	8	4,852	:	:	•
	-	3	1,0	140,425	ž.	189	138, 184	1,282	1,167	162,464	1,250	1,212	154,123	5.3	1,274	191,072	5	3	8,88

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workyears		6,326			6,39			8,438			6,483			6,67			2	

MANG Enforcement Administration Salaries and expenses Justification of Process and Parlicements Activity Resource Summay (Dollars in thousands)

Activity: Enforcement	1989 J	1989 Appropriate Anticipated	fation		1990	1990 Base	-	. Ba	1990 Estimete	Ä	Lagran	Incresse/Decresses
	No.	ž	Amount	Per je	ž	Amount	7. E.	¥	Amount	g g	¥	Amount
Domestic enforcement	1,885	1,859	\$142,113	1,885	1,871	1,885 1,859 \$142,113 1,885 1,871 \$150,332 2,058 1,958 \$170,015	2,058	1,958	\$170,015	173	8	539,61\$ 78 571
drug enforcements	297	749	64,987	:	:	:	:	:	:	:	:	. :
trivestigations	580	\$ 8	38,941 34,863	481 570	\$ 58 28	37,044	579 570	\$ 50 50 50 50 50 50 50 50 50 50 50 50 50 5	37,044	٠:	▼:	2,233
tack forces	239	22	26,868 239	239		234 27,814	98	200	31,976	23	ជ	4,162
Total 3,947 3,858 328,772 3,175 3,111 281,415 3,384 3,215 307,493	3,947	3,858	328,772	3,175	3,111	281,415	3,384	3,215	307,493	508	3	104 26,078

*Note: Funding for the OCDE decision unit will be provided to DEA on a cost reimbursable basis from the Department of Justice "Organized Crime Drug Enforcement" appropriation beginning in 1990.

| 1969 Agrey=lation | 1990 Rase | 1990 Estimate | Incremes/Decrease | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. |

Helor Objectives

- Investigate, arrest, and contribute to the successful prosecution of major drug violators throughout the United States.
- Identify and seize drug evidence and non-drug assets used in or derived from the proceeds of the drug trafficking activities of individuals and organizations involved in the illegal drug trade.
- Reduce domestic production and cultivation of illicit drugs.

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o Assist Federal, State, and local law enforcement egencies involved in the fight egainst illegal drug production, cultivation, and trafficking.

Been Excursa Description: The Domestic Enforcement program includes the enforcement operations of DEA's program operations, and the DEA headquarter's program coordinators. The program uses a variety of investigative tools, including confidential informants, undercover operations, and electronic surveillance, to identify and penetrate drug trafficialing organizations that operate nationally and internationally. Demestic Enforcement investigations also involve obtaining and using information from intalligence sources and receiving referrals from other Federal, State and local law enforcement organizations. The program's financial investigations (which involve DEA's Asset Removal Teams) identify and trafficking enterprises. In addition, the Domestic Enforcement program assists states and localities in their efforts to eliminate the domestic production of marijuans and dangerous drugs by providing technical assistance and operational support.

Accomplianments and Markload: During 1988, DEA has aggressively pursued its objectives in demestic enforcement efforts against major drug trafficients and drug trafficients consensed in the production and distribution of illicit drugs. Demestic enforcement infiniatives involved in the economial or investigative workhours, resulting in the arrest of nearly 16,000 violators. Recent accomplianments and workload data are summarized below. Quantitative data are detailed in the chart that follows. (Note that the statistics reported helow apply only to the Domestic Enforcement program. They do not portray DEA agency obtain, which also include State and Local Task Force, Organized Crime Drug Enforcement Task Force, and Diversion Control accomplishments.)

Arrests and Convictions: Through its Domestic Enforcement activities in 1988, DEA arrested 15,388 individuals, 9,078 of whom were arrested as a result of DEA initiated investigations. The number of consectic enforcement arrests in which DEA participated increased 10 percent from 1987 to 1988. Most of

the arrests (80 percent) resulting from DEA initiated investigations were from Geographic Drug Enforcement Program (GDEP) class I and II cases. Over 8,800 defendants in DEA Domestic Enforcement cases were convioted in either Poderal or State courts. Drug Seizurge: Through its investigations, DEA's Domestic Enforcement program in 1988 obtained drug removals of nearly 600 kilograms of heroin, 49,000 kilograms of cocains, 508,000 kilograms of carnable, and over 75,000,000 domage units of dangerous drugs. Heroin and cocains removals increased 88 percent and 54 percent, respectively, from 1987 to 1988.

Asset Saisures and Forfeitures: As a result of DEA's continuing explasis on asset saisure and forfeiture, DEA saised \$392 million through demestic enforcement activities in 1988 (this figure dose not include the \$182 million saized by the Size million saized by the Size and Local Thak Forces cases or the \$33 million saized by the approved for sharing with States and localities that participated and investigations in recognition of their valuable contributions and as an incentive towards fiture cooperative activities; this represents 75.6 percent of the total sharing in 1988 for forfeitures originated by all Department of Justice protential.

Domestic Curnable Eradication/Suppression Program: To reduce domestic carnable cuitivation, 16 eradication schools were conducted in 1988 to train a total of 600 law enforcement officials from State, local, and other Federal agencies. DEA flew 312 domestic air missions under this program, totaling 1,012 flight hours. The program accounted for destruction of over 5.3 million cultivated plants, including over 2.8 million sinessills plants.

Clandstine laboratory Selzures: To reduce domestic illicit drug manufacture, DEA and DEA cooperative investigations led to the seizure of 810 illicit drug manufacturing laboratories in 1988, a significant increase from 1987 when 682 laboratories were seized.

Special Enforcement Operations: DEN's special enforcement operations, which are investigations that target groups of individuals for a special period of time and usually involve maittible divisions, had major eccapilarments in 1988. For example, from April 1987 through September 1988, DEN's Latin American indicative, targeting cocaine probaction and distribution in Latin American scurce countries, reported the following accomplishments: 146 occaine hydrochloride absoratories destroyed, along with over 3,500 cocaine pasts and base about 9 over 35,000 kilograms of cocaine hydrochloride assized, capable of producing 185,000 kilograms of cocaine base saized, capable of producing 185,000 kilograms of cocaine base saized, capable of producing 185 on metric tons of cocaine; over 575,000 gallons of essential chemicals saized, capable of producing 125

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metric tone of occaine, and meizures including 79 mirraft, 37 bosts, 819 vehicles and 85.3 million in currency, all surrendered to the Latin American governments involved. Equally important are the intelligence contributions of the initiative and the level of disruption it is creating in the occaine trafficking network.

Accomplishments and workload statistics for the Domestic Enforcement program are as follows (note that accomplishments and workload statistics are continually up-dated, and may vary from previously reported statistics):

DOMESTIC SUMPRING	1987 Actual	1988 Actual	1989 Estimate	1990 Request
Investigative Workhours				
by case class* class I	1,300,032	1,524,263	1,527,882	1,569,502
Class II Class III Class IV	300, 290 217, 486 61, 514	370,936 217,616 52.666	371,817 218,133 52,791	381,945 224,075 54.229
Subtotal General File Workhours	1,879,322	2,165,481	2,170,623	2,229,751
Total	2,153,531	2,527,019	2,533,019	2,602,019
Arrests by Case Class Class II Class III Class IV	4,509 1,737 1,338 422	5,381 1,907 1,416 374	5,394 1,912 1,419 376	5,541 1,964 1,458 385
Subtotal Federal Referral Arrests DEA Cooperative Arrests	8,006 2,265 3,677	9,076	9,100 1,765 4,560	9,347
Total	13,948	15,388	15,425	15,845

DOMBSTIC SUMMRY	1987 Actual	1988 Actual	1989 Estimate	1990 Request:
Convictions Federal Court State Court	6,248 2,105	6,349 2,483	6,412 2,508	6,606 2,584
Druge Removed Heroin (kilo) Cocaine (kilo) Carnebis (kilo) Dangercus Drugs (000 D.U.)	316 31,790 626,578 20,423	593 48,818 507,783 75,323	49,306 512,861 76,076	617 50,795 528,345 78,373
Clardentine Lab Seinures	682	810	828	820
Asset Selaures (\$000)	\$231,476	\$392,122	\$393,053	\$403,760

*NEA user a classification system for measuring its enforcement activities. Using this system, Class I and II cases are those that are the most significant.

Progress Charles

DEA requests A23 positions (136 sounts, 4 intelligence analysts, and 33 sarport). 87 workwarm, and 819.683,000 including \$600.000 in program funding to enhance DEA's Domestic Enforcement program by increasing the agent pool available for conducting special enforcement operations, expanding the Asset Removal Toxas, and providing support for the Clandsstine Laboratory Safety Program.

Special Enforcement Contactions

DEA requests 148 positions (120 agents, and 28 apport), 74 workwars, and \$16,543,000 to support the continuation of foreign special enforcement operations. This request directly supports DEA's strategio planning initiative to expand and formalize DEA's foreign drug suppression/enforcement programs in source countries.

considering that all of the occaine and heroin, and most of the marijuans consumed in the United States, originates in foreign occurries, international narrotics control is an area of primary concern for the U.S. Government. While all aspects of the Federal drug strategy are important, supply reduction is the highest priority for DEA. This is covoial for two reserved first, there is evidence that the ecosesive supply of drugs creates even greater levels of demant; second, disrupting the first and least lumetive link in the grower-to-user chain will reduce the profits of trafficking organizations at a much smaller relative coet to drug law enforcement.

DEN's international enforcement and suppression programs play a significant role in the implementation of the Pederal government's international narcotics control stratagy. Specifically, DEN's role oversess includes encouraging, advising, and assisting host governments in programs to identify and disrupt international trafficients organizations, reduce the supply of drupe, immobilize clanderine conversion laboratories, identify and destroy clanderine staging areas and alretrips, and reduce the diversion of precursor and essential chamicals and light drups.

Much of DEA's international drug control efforts are carried out through special enforcement operations (BEDs), which are short-term intitatives devaloped for a specific purpose and designed to address a particular problem. SEDs typically are controlled and managed by a Headquarters drug investigation section, funded from centralized SED resources (rather than a particular office's operating funds), and comprised of personnal on temporary assignments from other DEA enforcement and intalligance groups. SED cases typically are emory DEA's most effective and important operations. Some examples include operation ELAST FURNACE, a joint effort of the U.S. and Bolivian Governments aimed against occains processing labs in Senta Crue and the Beni region of Bolivia, which all but ended occains production during the samear and fall of 1986; and operation PIECES, a major money laurdering operation involving Panamanian banks, which kilos of occains.

During 1988, TEA utilized the equivalent of 150 special agent workyears conducting four mejor foreign SEDs. The diwarion of these recurces from dementic enforcement activities to find these SEDs creates a significant drain on the capabilities of the domentic program to accomplish its wide-ranging mission. The foreign initiatives are expected to contains at an equal, or increased, laws of activity into the 1990's. Activities required in Explanating these operations include intalligence collection and identification of mejor organizations trafficiting haroin from Mexico and occains from South America to lazoratories in Pakistan.

of Resonal Team

DEA requests 25 complete the implementation of the Asset Funchal Team (ART) concept in its demectic field \$2.540.000 to complete the implementation of the Asset Funchal Team (ART) concept in its demectic field divisions. The seizure of proceeds from drug trafficking enterprises is an integral part of DEA's initiative to immobilise major violators and their organizations. This request directly supports DEA's strategic planning initiative to immobilize major traffichers and their trafficking organizations.

The Compareheralive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986 strangthened the Pederal forfeiture statutes and caused asset seisure and forfeiture to emerge as a powerful tool for disrupting dung trafficking. As a result, DEA placed increased focus on identifying and seising the process of drug crime and or investigating the fiduciary relationships which emable trafficking organizations to carry out special agents and intelligence analysts participating in a drug investigation bayes printing special agents and intelligence analysts participation in drug investigation have a heightened emaranes of identifying seests and evidence which may lead to the discovery of assets. Second, with the overall guidance of its financial investigations and intelligence protrams, the has begun identifying verificial annay flow and major money laundaring centers in support of investigations, such as pizzes, which focus on drug money laundaring operations. Third, DEA has exhabited field Asset Resort Thems which focus solarly on seeking cut the hidden assets associated with active and closed drug cases that are uncovered by investigating the financial aspects of the orise and trafficious.

In 1987 and 1988, DEA received resources to establish 11 ARTs. In 1989, DEA used a portion of the Arada provided by the Anti-Drug Abuse Act of 1988 to setablish four more teams. These teams are typically comprised of special agents and intelligence analysis from DEA, often working in conjunction with agents and attorneys from the Internal Revenue Service, State and local agencies, and the U.S. Attorneys Office, This combination allows DEA to bring to bear the necessary mix of personnal resources that are most effective at conducting complex financial investigations. The teams participate with drug agents, pursuing the financial aspects of the investigation, on active cases. In addition, the ARTs continue investigation that have been concluded from a drug parapoctive to ensure that all assets have been identified and seized.

The 25 positions contained in this request will allow DEA to complete implementation of ARD's in the four romaining divisions.

Clardestine Laboratory Safety Bouldment

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DRA requests \$600,000 to provide clandestine laboratory easily equipment, including five specially equipped vars, to support DRA's enforcement activities against the demestic production of dargerous drugs. This request directly supports DRA's strategic planning initiative to immobilize major traffichers and their traffiching oxygnizations by enhancing DRA's progress almost a reducing domestic production of illicit drugs.

Since 1981, the number of claridatine laboratory seizures has increased from 184 laboratories in 1981 to 810 in 1988. This rise in laboratory seizures has brought attention to the asfery of IRA sparse and chemists, and State and local law enforcement personnel, who must enter these illicit laboratories, esize the requisite evidence, and arrange for the destruction of chemicals, drugs, and laboratories, which range from sophisticated scientific facilities to cruse portable devices, use chemicals that are toxic, applicative, and can cause serious health consequence through chronic quantity accidentally ingested by these laboratories are also toxic, and can be so potent that even a small quantity accidentally ingested is life threstening.

The Occupational Safety and Health Administration recognizes the severity of these health hazards, and has issued specific requiations regarding procedures to be followed when hardling these chemicals and illimit products (29 CFR Part 1910). The National Institute for Occupational Safety and Health has also examined the situation and recommended certain procedures.

DRA has responded to these regulations and safety concerns by instituting a Clandestine Laboratory Bafety program that includes Clandestine Laboratory Enforcement Theses in each field division. The Clandestine Laboratory Safety program's goal is to ensure the safety of DRA parsonnal while investigating clandestine laboratories by implementing safety moderate using safety equipment and protective clothing, training and cartification of employees, and medical monitoring of employees involved in clandestine laboratory investigations. As part of the training program, each agent and chemist receives a complete set of protective clothing to be used in clandestine laboratory investigations. In addition, in 1988 each field division received one specially equipped clandestine laboratory raid van, containing safety equipment, disposable gear relating to the disposal of hazardous materials, decontamination showers and equipment; any other equipment necessary at raid sites.

The funding in this request will provide \$175,000 for five additional clandestine laboratory raid varue (\$35,000 each),\$25,000 for equipment to cutfit the new vare and for spare parts for the current fleet, and \$400,000 for safety equipment for 133 DEA agents and chemists.

	Perm.	Appropria	E los	. Sec.	1000 H	Pecn. W Mourt.	1 2 2	1990 Betimete	1990 Betimete Perm. Nos Wy Amount	Pers.	경우	Account.
drug enforcement	26	749	749 \$64,987	:	:	:	:	:	:	:	:	:

Note: Parding for this decision unit will be provided to DEA on a cost reimbursable basis from the Department of Justice "Organized Crime Drug Enforcement" appropriation beginning in 1990.

ICTE-Marie Goal: Identify, investigate, and aid in the prosecution of members of high-level drug trafficking enterprises and destroy or immobilize the operations of those organizations.

Merice Objectives:

- o Target, investigate, arrest, and assist in the successful prosecution of individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises, including large-scale money laundering organizations.
- o Promote a coordinated drug enforcement effort in each task force region and encourage maximum cooperation emong all Federal, State, and local drug enforcement agencies.
- o Make full use of financial investigative tools, including tax law enforcement and the seizure and forfeiture of assets involved in and derived from drug trafficking.

Been Excursa Description: The Organized Crise Drug Enforcement Task Force program, an interagency cooperative network of 13 regional task forces, targets high-level drug trafficking organizations for investigation and prosecotion. DEA is a low participant in each of the task forces, which operate under the general direction of the Associate Attorney General. At the national level, a working group formulates overall policy and monitors the program with the assistance of a small administrative unit in the Department of Distice and program coordinators throughout the participating administrative unit in the U.S. Attorney in each region's "core city" manages task force operations through a milti-agency Task Force Coordination Group. This group approves and monitors all task force investigations to ensure that they are consistent with program goals and objectives, and that appropriate interagency coordination cooms.

Agents and attorneys in individual teak force cases remain under the direct supervision of their respective agencies, but conduct investigations jointly. Leadership responsibility for individual cases is determined according to the nature of each case.

Accumistments and Mortlond: DEA continues its extensive participation in the Organized Crime Drug Enforcement (OCIS) That Porce Program, promoting a coordinated drug enforcement effort in each task force region. In 1988, DEA devoted over 914,000 investigative workhours to OCIS investigations. Most of these sorkhours exprorted investigations of the highest level drug trafficking organizations, GDEP Case Class I. DEA plans to continue its consituent to the program in 1990 at approximately the same rate of overall case participation.

Through its OCEE activities in 1988, DEA successfully targeted, investigated, arrested, and assisted in the conviction of high-level drug traffickers, seized their assets, and destroyed their drug trafficking networks. DEA participated in the arrest of 2,791 individuals and seized at Kilograms of haroin, 1,903 Kilograms of consins, 11,407 Kilograms of canabia, and over 1,700,000 desege units of dangerous drugs in task force investigations in 1988. DEA also seized over \$182 million in assets in task force cases in 1988 is percent of all DEA asset seizers. While statistical accomplishments reflect the extent of DEA's involvement in the OCEE program, individual cases more powerfully illustrate DEA's OCEE accomplishments:

In December 1987, IEA, along with the FBI, the Bureau of Alcohol, Tobacco and Firearms, the Oustoms Service, and the Midmal Police Department arrested seven defendants in a criminal network that extended from southern Florida to Detroit and selzed approximately 82 million in assets. The defendants were arrested on a variety of drug-related charges, including importation and distribution of occains and marijuans, racketeering, conducting a continuing criminal enterprise, and compilarly. The indictment charged that this enterprise bribed police officers to protect its illegal operations and used force and violence, including the marcher of an ATF informant by matilation and burning. During the 10-year period covered in the indictment, this organization is estimated to have grossed ;55 million:

In February 1988, nine members of a prominent Israeli organized criminal group based in New York City were arrested on charges of manufacturing and distributing controlled substances and properties valued at over \$1 million were selzed. This organization demonstrates the international methodrs that trafflo drugs: it was headed by an Israeli Moslem (who was murdered in front of his home in New York City in January 1988); and members arrested included israeli Christians and Jewa, Rassians, an Iraqi, and a Jordanian. The group had been under investigation since 1986, and had sold haroin,

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samples of cocaine, and automatic weapons with silencers to undercover DEA agents. During the course of the investigation, three electronic surveillance operations conducted in Miami and Boston, were manned by the Israeli police in cooperation with United States law enforcement agencies.

Accomplishments and workload statistics for the Organized Crime Druy Enforcement program are as follows:

OPGANIZED CRUME DRUG ENFORCEMENT	1987 Actual	1988 Actual	1989 Estimate	1990 Request
OCTE Casses Involving DEA	308	356	356	356
Investigative Mondicules DEA/OCDE Arrests	860,292 2,769	914,062 2,791	914,062 2,819	914,062
DEA/OCDE Convictions Deaces Removed	1,508	1,883	1,902	1,921
Heroin (Kilo.)	54	34	34	35
Cocaine (Kilo.)	2,834	1,903	1,922	1,941
Carrabis (Kilo.)	1,260	11,407	11,521	11,636
Darrgerous Drugs (000 D.U.)	1,157	1,70	1,721	1,738
Assets Removed (\$000)	\$180,153	\$182,219	\$184,041	\$185,882
1969 Agracyriation Anticipated Ferra. Ros. IN Assention Investigations 481 454 \$59,941	Pere.	20 Bras 19 W. Amount Run. 454 \$66,225 490	1990 Betlimeta Perm. Perm. My America 6,225 490 458 868,458	Drawmes/Derwoen Pers. 10 Amount 9 4 \$2,233

<u>lorn-Hants coal</u>: Reduce the supply of drugs entering the United States and reduce the amount of illidit drugs cultivated, processed, and consumed worldwide.

Major Objectives:

- o Raduce illicit crop production.
- o Disrupt narcotics trafficking as close to the drug source as possible.

- Prevent drugs, ultimately destined for the United States, from entering international trafflocing charmels.
- Develop the groundwork for international investigations by establishing informant, intalligence, and diplomatic liaison within host countries.

Consumption in illicit markets in the United States. The majority of illicit drugs available in the United States are forther stated through the states are directed at encouraging, advising, and assisting host governments in the development of programs to reduce the amply of drugs at or near the agricultural source; immobilizing foreign clamateries or orwards in aboratories; identifying export staging areas and interdicting the drugs; and reducing the diversion of legitimate drugs from international commerce. EMS's efforts include maintaining informants and developing intelligence that lead to cooperative arrests and drug removals in the host country and to investigations of U.S. distributors associated with these supply sources. DRA verses presence is at the invitation of the host country and currently is represented by 65 offices in 45 countries.

Accomplishments and Markload: Through its Foreign Program, DEA participated in over 1,200 cooperative arrests and removals of approximately 6,014 kilos of heroin, 10,978 kilos of comains, 59,846 kilos of carmabis, and 11,452 doesge units of dangerous drups during 1988. In addition, through the activities of its overseas offices and the eight foreign special enforcement operations active during 1988, DEA significantly disrupted the operations of major international cartels trafficking occurs, heroin, and marijuana to the United States.

The accomplishments below portray broad examples of DEA's overseas activities.

o As a result of the International Drug Enforcement Conference (IIEC) hald in Guatemala in March 1988, an initiative was developed that called for simultaneous narcotics enforcement operations, fully coordinated among 30 nations throughout the Americas and Europe. This initiative, unprecedented in scope, marked a major first step in developing and implementing a concarted regional strategy to disrupt occaine producing and trafficking organizations. In a consementh particle, this initiative resulted in the destruction of over 8,000 kilos of cocaine, hydrochloride, eradication of more than three million marijuane and opium plants each, and the arrest of nearly 1,300 violators.

- An operation involving international marijuans and occaine saugglars was identified through use of IRA intelligence and informant networks. The sauggling rebook was subsequently penetrated using reverse and traditional undercover techniques. An egreement was reached between IRA undercover agents and the cartal setting a fee of \$5 million for the agents to transport a multi-ton shipment of marijuans to the United States and then unload, store, distribute, and collect fees for the marijuans from U.S. brokers associated with the cartal. A total of 30 defendants were arrested in the United States as a result of this international SBO. In addition, 150,000 pounds of marijuans, 1,300 pounds of cocains, and \$2 million in assets were seized.
- o A six-week investigation conducted by the French Central Narcotics Office in conjunction with DEA-Paris, DEA-Paris, and DEA-San Juan culminated in the seizure of 400 kilograms of cocains on Marie Gallant Island, a sub-territory of French Guadeloupe. This is the largest seizure of cocains on French territory.
- o The Maxican Pederal Judicial Police, acting on information obtained through a DEA SEO involving agents from DEA offices in Guadalajare, Miami, and Phoenix, recently culminated an extensive investigation into the narcotics trafficking activities of Jaime Herrera-Herrera. In early September 1988, Jaime Herrera-Herrera, on of Jaime Herrera-Herrera, and significant in his own right as a poly-drug international narcotics trafficher and heir to the 20 year-old Herrera trafficking organization, was arrested in Torrera, Coshulla, on narcotics charges. Pollowing that arrest, Jaime Herrera was also apprehended in Quadalajara, Jaimoo, on narcotics charges.

Workload statistics for PCIP are presented in the following chart:

89 1990 ate Request	47 157,397 22 114,192 78 6,908 62 26,712 09 305,209
3 1989 al Estimate	47 155,747 22 113,022 78 6,962 52 26,962 99 302,209
1988 Actual	1155,747 113,022 6,878 26,562 302,209
1987 Actual	118,827 105,798 7,535 25,060
Item	Workhours Investigative General File Intelligence Lidison Total Workhours

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Item	1987 A ctual	1988 Actual	1989 Estimate	1990 Request
Cooperative Arrests by Drug				
Type	527	203	208	519
Cocaine	385	585	591	69
Cannabis	167	98	8.	68
Dangerous Drugs	21	æ	3	65
Total	1.100	1.237	1.249	1.275
		•		
Cooperative Drug Removals *		į		;
Heroin (Kilo)	2,074	6,014	6,074	6,200
Occaine (kilo)	1,171	10,978	11,088	11,317
Carmabis (kilo)	48,770	59,846	60,444	969,19
Dangerous Drugs (000 d.u.)	17,983	11,452	11,567	11,806

* The significant rise in foreign drug removals in 1988 resulted from increased effort by foreign police operations such as the IDEC Initiative, referenced in the narrative above.

Program Changes:

DEA requests 9 positions (8 agent and 1 support), 4 workvears, and \$2.233.000, including \$510,000 in special program funding, to expand DEA's presence overseas in select source and transshipment countries.

DEA proposes the establishment of two new and enhancement of three existing foreign offices. Two egents each will be assigned to establish offices in mainland <u>chine</u> and <u>Udon Thail.</u> <u>Thailand</u> and to enhance the existing staff of the <u>Mons Korg</u> office. One agent each will be assigned to enhance the <u>Cairo</u> and <u>Vierna</u> offices. Because DEA has experienced higher costs associated with placing and maintaining personnel in dorsign offices over recent years, additional program funding above the modular costs has been added to defray these expenses.

The following identifies, by geographic region, the need for the requested agents:

African Continent

The Cairo Country Office, staffed by only the DEA Country Attache and one agent, is responsible for parforming the full range of programs requested of DEA in 28 countries in North and Bast Africa. The U.S. Ambassador in Cairo has indicated that the narcotics situation in Baypt alone requires the Ault-time attention of the DEA agent assigned. The problems associated with the wide geographic coverage required of this office are further complicated by the trafficking aspects of Baypt itself. In addition to being a major producer of colims, the area is popular for transmitpsent—principally because of the accessibility provided via the Suez Canal.

Substantial evidence now exists that haroin traffickers are now using Eastern Africa as a preferred transit point. The situation has deteriorated to such an extent that Kenya has become a major transchipment point and brokering center for Southwest Asian heroin. Ineffective laws, corruption, and weak enforcement have made Kenya vulnerable to drug trafficking. Kenya's international airport in Nairobi and port in Manhaea provide excellent air and see connections to both source and destination countries, making the area even more attractive to traffickers.

Thailand/Lacs Border

The 17 provinces of Northeast Thailand comprise the largest geographical section of the country, encompassing nearly 170,000 square kilometeurs. Coverage of this area is provided by DRA-Bandook. Travel from Banglook to the border requires approximately three days and a total of 10 to 15 days to visit all the various provinces. Clearly, coverage for this region is animal; however, intelligence indicates that trafficient settlets the Thai Border, ultimated that 200-300 metric core of opium are cultivated in Lace and sampled acres the Thai Border, ultimately destined for international markets. In addition to opium cultivation, the Thailand/Lace border region is a major center for opium transentiment and stepling, clandestine labs, and marijuane production.

Peoples Republic of Chins

The law enforcement community is increasingly concerned about the threat posed by Chinese organized crime. In 1997, sowereignty over Hong Kong reverts to the Republic of China (FRC), ending more than 150 years of British rule. There is growing concern that Chinese organized crime organizations may attempt to export their assets and organizations to the United States and other havens. Intelligence confirms a substantial relationship already exists between traffickers in the FRC and the United States, particularly in San Francisco, New York, and Boston. Further, cooperative ventures between the La Come

Nostra and chinese organized crime, especially in heroin trafficking, appear to be increasing.

Intelligence indicates that the FRC is being developed as a transshipment point for Scutheast Asian heroin encoute to the United States. China is contiguous to the major opium growing areas and maintains little border control. The erea is the closest route from Burma and Lacs and is currently vulnerable to trafficking organizations. As the region becomes more open to the West, Chinese trafficking will pose an increasingly difficult problem for law enforcement.

Eastern Bloo

The Vienna Country office, staffed by three special agents, is responsible for providing coverage of the Eastern Bloc countries. Although DEA's mandate to conduct operations in these countries is limited, the Soviet Union is beginning to open doors to the law enforcement community. Having admitted to thair country's drug problem, the Soviets are intersered in fostering a closer relationship with DEA. In fact, information provided by Soviet officials to the U.S. government recently led to a significant selaure of hashish baing smuggled from Reseals. Intelligence also indicates that Vierna is a major point for transchipment of drugs and meetings between sampglers from Eastern Bluc countries. Further, Vierna is specifically, a resurgence of the Balkan route with Turks transporting haroin using this method to their corrections in Vierna who then carry the haroin on to New York. Also, Vierna is along the such as mangglers to move haroin undetected via containarized trucks which are sealed to avoid impaction in common Market countries prior to unloading at seaport destinations. Consequently, the daily traffic is easily accessible to drug traffickers.

Proposals for each of the requested offices are in various stages of negotiations between ERA, the State Department and the host country government. As such, the possibility exists that the specific cities will change by 1990. However, preliminary indications are that both the U.S. Ambassador and host government are supportive of ERA's efforts in Thailand. Discussions with the governments of Baypt, Austria, and the FRC have been favorable; however, no commitments have been received from the Department of State on any of these cities.

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* 1990 base recourses reflect program universes and \$92,000 for pharmsolst registration artivities.

Long-Renna Goal: Prevent legitimately (moduced controlled substances from being diverted into illigit charmels.

Major Chiectives:

- Combuct investigations of suspect practitioners and evaluations of registrant qualifications.
- Assist foreign countries to prevent international drug and chemical diversion and eliminate diversion of controlled substances.
- Assess the ability of the states to control diversion and assist them in their drug diversion control efforts. 0

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- Respond in a timely fashion to all requests concerning drug control issues and import/export data. Identify all new substances which are being abused or have abuse potential, determine their placement in the appropriate CSA schedule and establish menufacturing quotes. 0
- Register all legal handlers of Schedule I and II controlled substances.

<u>Base Program Description</u>: The Diversion Control program seeks to reduce, to the maximum extent possible, the diversion of legitimately produced controlled substances into illicit charmels at all levels of distribution and to provide leadership and support to ensure that State and local agencies and the pharmecentrical industry establish and maintain programs and policies to control diversion. The areas of the Diversion control program include:

Criminal Diversion Investigations: It is estimated that 12,000 practitionars are involved in activities that violate the Controlled Substance Act. Under the Targeted Registrant Investigations Program, DEA identifies the highest level violators responsible for large scale diversion and conducts high quality and times) criminal investigations of their diversion activities.

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Rublic Intervert Revocation Investigations: DEA may deny an application for registration or immediately revoke or suspend a registration if it is determined that the issuance would be inconsistent with the public interver.

CSA Mendated Cyclic Investigations: Cyclic investigations ensure that diversion does not occur at the manufacturer, distributor or wholesale levels of the distribution chain.

Pre-registrant Investigations: Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.

State and Local Assistance: DEA assesses State programs aimed at suppressing the diversion of controlled substances from scientific, medical, research and legitimate distribution charmals.

Drug Scheduling: DEA is responsible for determining the appropriate placement of controlled substances on the CBA Schedule. There are five established schedules, each of which imposes varying degrees of control over prescribing, distribution, production, physical security and recordisaping.

Accomplishments and Mocklond:

- o <u>Practitionar Investignation Procrams</u>: During 1988, 512 criminal diversion investigations and 370 public interest revocation investigations were conducted. These practitionar investigations resulted in the arrest of 193 individuals. Also during this time, 201 orders to show cause were referred for administrative revocation, denial or suspension of controlled substance privileges, and 46 schminstrative hearings were held. Asset removais and criminal fines or civil penalties in excess of \$7 million were invoked.
- o Mor-Practitions Investigations Economy Over the past year, DEA conducted 771 cyclic investigations of drug menufecturers, Wholesalers, distributors, import/export firms and narcotic treatment programs. As a result of these investigations, DEA issued letters of Amornition to 413 firms oiting failure to comply with requistions designate to prevent diversion of controlled substances into the illicit market. There were 1,276 pre-registrant investigations conducted in 1988.

International Diversion Exograms: Over the past year, DEA sponsored the first international conference on Cocaine Essential Chemicals, hald in Quito, Ecuador, and attended by 65 cabinet level officials from 21 countries. This conference, which addressed the role of producing, transmipment, and commanding countries in the essential chemical and precursor market, will serve as the basis for chimical international agreements and legislation concerning the movement of precursor and essential

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DEA, working with the State Department, has taken an active role in developing a new international convention for the aggreeaion of trafficking of drups of abuse. United Nations Convention Against Illicit Trafficking in Narcotic Drups and Psychotropic Substances was signed on December 20, 1988.

Dang Scheduling and Quota Promisms: DEA has used its newly authorized emergency scheduling power five times to control thirteen of the most dangerous and prevalent of the controlled substance smalogues (designar drugs) under the Controlled Substances Act (CSA). A major effort is now undepwey to place these emergency scheduled substances under parmenent acheduling.

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DEA established more than 900 procurement and menufacturing quotas and provided technical expertise in quota hearings and a lengthy administrative hearing related to the scheduling quota hearings.

- o <u>State and local Assistance Progress</u>: In the past year, DEA conducted the third Domestic Drug Folicy Conference on the Centrol and Diversion of Centrolled Substance, attended by officials from 42 states who have the atthority to influence and establish centrolled drug policy. A number of important recommendations concerning diversion centrol initiatives resulted from the conference, covering such areas as Pederal and State legislation, multiple copy prescription progress, regional initiatives, and the diversion of Schedule III-V and monomitrolled substances.
 - o Regulatory Serocri Progress: During 1988, approximately 720,000 new and renewal registration applications were processed. In addition to restricting access to controlled substances to a limited number of qualified applicants, this progress also provides for an annual income of approximately \$15 million which offsets the costs of the registration and diversion investigation progress.

Chemical Control Program: DEA is initiating a Chemical Control Program pursuant to enactment of the Chemical Diversion and Trafflicting Act of 1988. Diversion Investigators will conduct on-site investigations of chemical handlars to determine their compliance with the new law, identify unreported sales records and obtain investigative leads on questionable orders. DEA Special Agents will respond to

notices of domestic shipments, conduct investigations pursuant to import parmits and assist in shipment identification and suspension in United States ports with United States Customs Services.

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Accomplishments of the Diversion Control program are presented in the following table:

1990 Request	8850 850	1,300	009	250
1989 Estimate	989	1,300	009	250
1988 Actual	771 512	1,276	370	:
1987 Actual	730 6 0	1,276	450	
Ite	Cyclic Investigations Conducted Criminal Diversion Investigations	Pre-registrant Investigations Dublic Interest Rescontion	Investigations	Audite

					0.61	9	198			Treat	Ę	
•		Ħ	Pecra. Rech. My Amount Ros. My Amount Ros. My Amount Ros. My	į	Ħ	Amount	Per.	¥	Amount	Per.	单	MY Amount
State and loces. thank forces 239 234 \$26,868 239 234 \$27,814 266 247 \$31,976 27 13 \$4,162	239	23	\$26,868	239	23	\$27,814	366	247	\$31,976	23	ដ	4 ,162
Long Renna Goal: Pacilitate a maximum contribution from State and local governments and engender infergovernmental cooperation in order to reduce drug evallability and immobility major drug traffickil organizations at all levels.	Pacilita cooperat 11 level	ite a siden in	maximum co n orcher to	rtribu	tion f	rom State evailabi	and lo	is to the second	diise maj	and engo	nder traffi	aking

Major Objectives:

- Conduct quality investigations leading to the arrest, prosecution, and conviction of drug trafficiers, as well as the financial immobilization of their organizations. 0
- Establish and maintain an effective intelligence exchange with participating State and local law enforcement agencies in order to enhance and expand the Pederal drug law enforcement intelligence network. 0

o Develop intalligence and investigations that become a springboard for more complex Pederal investigations, launched as a result of the initial efforts of a tesk force.

Ames Expersa Description: The State and Local Thack Force program effectively emists the resources and support of State and Local enforcement against a front program assists in fulfilling Ex's responsibility to provide a diverse, creative, and all-encomposating Federal response to the multi-faceded and complex drug problem. By working together, This agents and State and Local police officers enforce increased cooperation and communication that aids the investigative process at the working level to help make TEX's expension of communication that aids the investigative under TEX's expension; provides State and local appoint and conveyences when needed for DEX comperation with local banks, thus improving TEX's data besses and achieves enhanced societation with local banks, thus improving TEX's ability to obtain emergency flashrolls and temporary storages of monles.

There are a total of 55 task forces in the program, of which 44 are program funded and il are provisional. In 1867, IEE established the provisional task force program to identify task force program resources move effectivelly. Where this plan, State and local law enforcement officials establish working relationships with the local IEE fland office to demonstrate the potential of a proposed tesk force before it in funded under the task force program.

Accomplianments and Monthload: State and local teak forces were responsible for 5,793 arrests in 1988, 12 percent of which were class I and II, thus exceeding the 50 percent goal of the National Drug Folloy Board. Continuing the program's record of arreal improvement, class I and II arrests were up eight percent over 1987 totals. Occains selecute increased 86 percent. With an investment of only five percent of the total IRA budget authority and four percent of the total position calling, the task force program was responsible for 24 percent of total DRA arrests, 13 percent of total asset selecute, and 21 percent of total haroin selecutes. The potential return on investment of the task force program is selecutionary in fact, the test forces selecute over then three ties the securit that the entire program one the Pederal approximate in 1988. In addition to these direct contributions to the Pederal drug strategy, the program also makes significant indirect contributions through the development of intelligence and generation of "gatemay" cases (those which become a springboard for higher level investigations).

In the 1969 budget animalseion, the New York Drug Enforcement Teak Force's (NYDETF) long-term investigation of the Jose Sankacuz-Londono organization was described as an excepte of the quality investigations conducted by the progress. Sankacuz, a member of the infements Medallin cartal, is responsible for 90 percent of the cocains in New York. In its continuing pursuit of this organization, the NYDETF repently

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made a single cash seizure totaling \$8 million—the largest cash seizure in DEA history. The WINEIF also began another significant case, the investigation of the Theres organization, which lasted appreciately 12 mention. The There case resulted in the arrest of 41 Class I heroin violators, resoval of 14 pounds of heroin, and seizure of sesets valued at \$77 million, which included a shopping center in Puerto Rico. This case represented the highest dollar value of assets seized in a single DEA case.

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1	1987	1988	1989	1990
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setigative Worldnours				•
Ass I	162,279	216,240	216.240	220.85
II sas	46,058	60,817	60,817	62,11
LASS III	41,678	45,470	45,470	46,44
lass IV	5,860	6,206	6,206	6,33
btotal	255,875	328,733	328,733	335,75
meral File Workhours	20,574	22,465	22,465	20,62
Total	276,449	351,198	351,198	358,698
ests by Case Class				
lass I	2,124	2,406	2,430	2,507
lass II	843	1,161	1,173	1,210
lass III	1,399	1,442	1,456	1.502
lass IV	786	784	792	817
ubtotal	5,152	5,793	5,851	6,036
Corvictions Federal Court	1,132	1.303	1,316	1,358
tate court	1,434	1,467	1,482	1,528

Item	1987 Actual	1988 A ctual	1989 Estimate	1990 Request:
Drugs Removed				
Heroin (kilo)	43	167	140	72.1
Cocaine (kilo)	2,752	5.176	5.228	T 103
Carmabia (kilo)	21,655	12.824	12 052	20,00
Dangerous Drugs (000 D.U.)	12,209	26,106	26,367	27,199
Asset Seizures (\$ 000's)	97,266	83,265	84,098	86.753
Task Forces Supported	41	43	. 43	
Officers Assigned	528	535	. K	R 8
				66

file.

Program Changes

DEA requests 27 cositions (20 agents and 7 support). Il workvears, and \$4,162,000, including \$1.1 million in Decimal Analysis and local task forces. The State and local task force program plays a significant role in DEA's strategic objective to immobilize major traffickers and their trafficking organizations.

DER remains committed to the continuation of its State and local task force program. As the lead agency for drug investigations and intelligence, DER has a responsibility to facilitate a maximum contribution from State and local governments and to elevate their efforts toward multi-jurisdictional investigations. DER's State and local stack forces play a major role in engandaring intergovernmental cooperation by facilitating the immobilization of major trafficking organizations at all levels. In addition, the Prosecution Strategy of the National Drug Policy Board calls for the Federal government to provide "whatever training and assistance is needed to enable State and local authorities to attack large intrastate enterprises and fortels as means of addressing drug threats the establishment of joint recommends specific programs of training, cross designation, and equitable sharing with participating implementing all these programs.

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\$7,390 Amount

491 \$41,258 American

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\$33,868 Amount

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> M. Amount 407 \$31,677

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Intelligence.....

With approximately one and one-half years of experience with the provisional teak force program, DEA has been able to estimate the attrition rate for pilot teak forces and can project that seven provisionals will be eligible for program conversion in 1990. Although demands by States and localities are substantially greater, DEA will continue to restrict the growth of the teak force program using the provisional concept to ensure that the program is well managed and that the resources devoted to it are used effectively. The continued success of the program requires that it expand as task forces demonstrate their effectiveness.

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Activity: Irwestigative	1989 J	9 Appropriate Anticipated	1969 Appropriation Anticipated		199	1990 Base		1990	1990 Retimete	Ince	/vee	Increase/Decresss
	78 E	75	Amount	P. P. S. S. S. S. S. S. S. S. S. S. S. S. S.	¥	Amount	2 5	M	Asount	Pos.	ž	Amount
Intelligence	25	407	\$31,677	\$	2	\$33,868	3	491	\$41,258	6		\$7,390
services DEA training	22 22	22,02	\$15,865 \$10,438	22 22	223 70	\$14,776 \$10,721	247	23.5	\$21,174	8:	ន :	%,38 %,000,2\$
and technical operations ANP and telecoms.	320 133 78	276 120 73	\$47,361 \$52,484 \$4,639	8 8 8 8	35 26 26 26 26 26 26 26 26 26 26 26 26 26	\$37,214 \$52,692 \$4,852	320		310 \$37,214 105 \$70,853 65 \$4,852		:":	\$18,161
Total 1,282 1,167 162,464 1,250 1,212 154,123 1,373 1,274 191,072	1,282	1,167	162,464	1,250	1,212	154,123	1,373	1,274	191,072	23	8	36,949
	1989	1989 Appropris	1989 Appropriation		8	1000 Page		200	1000 Est funds	Tremono (Decrease		

LOTG BOIGH GOAL: Identify, develop, and exploit information and intalligence necessary to enhance to effectiveness of drug law enforcement.

Major Objectives:

Bingline we st

- o Provide actionable, tactical intelligence on the current or imminent location and movement of particular targets which require a near-term law enforcement response to effect arrest and seizure.
 - o Collect, process, analyze, and disseminate drug-related intelligence in support of active investigations to aid and further the investigative process.
- Provide case support on complex money laundering investigations and develop intelligence profiles and trends to target enforcement efforts on domestic and international monestary flow and money laundering operations.
- Provide accurate, comprehensive, and timely strategic intelligence on drug trafficking patterns and trends for use by management decision makers and policy planmers.

Base Evourem Description: DEA's Intelligence program includes: financial, operational, and strategic intelligence, and the El Paso Intelligence Center (EPIC). Each serves in an investigative support capacity designed to maximize the effectiveness of drug law enforcement efforts.

The financial intelligence program focuses on the fiduciary aspects of the narrotics traffic. The primary goal of the program is simed at depriving drug traffichers of drug-related assets in an affort to immediate major traffiching organizations. The financial intelligence program supports the enforcement effort by providing direct one support in the identification of assets and the development of financial complicacies. Further, it provides extrategios support intough the identification of major money laundering flows, methods, and participating organizations and individuals, and the encouragement of mitual legal assistance treaties with foreign countries.

The operational intelligence program exploits information available to DEA in direct support of active drug investigations. Such support is provided through the collection, collation, and analysis of the vast and often conflicting information on links between events and individuals involved in the drug traffic. This data is used not only in developing investigative leads but also assists case agents and prosecutors through the management, organization, and graphic portrayal of analyzed information during grand jury proceedings.

Comments

Strategic intalligence develops a comprehensive picture of drug trafficking patterns, availability and consumption trends, and long-range prospects of reducing the supply of illicit drugs. These efforts assist investigative agencies in planning and management of their enforcement efforts and contributes in large part to ERA's infalligence responsibilities as the lead agency for drug intalligence.

Alignet Sec.

EDIC is a multi-agency facility charged with the responsibility of providing the law enforcement community with all source taction intelligence partaining primarily to the interdiction of drugs, weapons, and aliens. Although menaged by DEA, EDIC provides emport and assistance to all Pedaral, State, and local agencies empaged in law enforcement. Currently, there are nine Federal agencies in addition to DEA that are consiste participants at EPIC. In January, 1969, EPIC will move into its new facility at Ft. Bliss,

Accompliatments and Northond:

- o Special Field Intelligence Program (SFIP): SFIP's are probes that gather strategic, operational, and tactical intelligence to assist enforcement activities. DEA managed 60 SFIP's in 1988. Although detailed analyses of SFIP results in 1988 are not yet evailable, of the 49 SFIP's managed in 1987, more than 90 percent achieved their intelligence collection objectives. In 1987, the program played a significant role in the development of 136 confidential informants. As a by-product of the program, 343 DEA investigations were initiated which resulted in 449 arrests, including 190 class I violators.
- o <u>Strategic</u>: Provided geographic expertise, assessments, estimates, and alerts on drug cultivation, production, smappling, and availability trends to Federal, State, local, and foreign authorities. Published recurring reports including <u>Intelligence Trends</u>, <u>Mexico.U.S. Trefficking Assessment</u>, and <u>The National Narrotics Intelligence Complete Report.</u> Developed and issued namerous special reports and country profiles regarding drug trafficking and crop cultivation in Latin America, Scutheast Asia, sha Middle East and Africa. Provided support and information to the President's foreign aid recertification process, as required by the Heaking-Dronzman.
- o <u>Operational</u>: Provided case support to investigations directed against high-level traffichers. For example, using telephone toll analysis, querational intelligence identified numerous violators subject to prosecution in an investigation of a Colombian occanne/marijuans samigling organization. Research was then expanded to identify the interrelationships, modi operandi, and assets of the

oxygnization. Twenty-nine violators were ultimately arrested and more than 70 tons of marijuans and nearly a ton of occains were seized. Operational intelligence became an integral part of another major investigation spenning Burge, the U.S. and latin America by identifying a confident of a major infernational trafficion, then proveeding to debrief informents, analyze phose books, research investigative files, and document oxygnizational structure and interrelationalise. The resulting investigation culminated in the seizure of 500 kilos of occains, arrest of 10 class I violators, and the identificantion of a major violator whose activities may rival those of notorious Colombians,

o <u>Financial</u>: Financial intelligence supports DEN's efforts to ismobilize drug traffichers by haspering the ability of organizations to laurder money domestically and abroad. The majority of the intelligence developed through the financial program directly supports majority of the intelligence developed through the financial program elected any process provides strategic support and an extensive program of assistance to the governments of other countries. For example, the financial program is providing guidance and assistance to the governments of versucial and Ourscot in developing legislation targeting money laurdering and forfeiture, providing the United Kingdom (U.K.) in legislative revisions which will allow them to use information provided by the U.S. in seizing monies from U.K. bank eccents.

o El Paso Intelligence Center (EDIC): EFIC provided 24-hour, 7-day support for drug law enforcement and interdiction operations at the Pederal, State, and local levels. During 1988, 490,500 information quaries were made by participating agencies. EFIC lockouts were instrumental in seizures of 74 kilograms of heroln, 12,773 kilograms of condine, 397,678 pounds of marijuans, 784 herrals of ether and acetons, 32 aircraft, 87 vessels, and \$127,200. EFIC provided continuous operational analytical support to several multi-agency efforts to locate and destroy clandsetime consine aboratories in South American source countries; to locate and destroy clandsetim drug intendiction along the Southment border; and to intendiction efforts across the interstate and State highmay systems. In assisting the highly successful U.S. Marshals Service's Warrant Apprehension Marcotics Teams, EFIC researched over 5,000 drug Angitives which lad to the location and apprehension of 218 Federal drug Angitives.

Program Changes

DEA requests 22 positions (85 intelligence specialists, and 12 guport), 49 workvears, and 57,390,000, including 51,202,000 in program Anding to enhance its drug intelligence program. This enhancement

directly supports DRA's strategic initiatives to expand and formalize its foreign suppression programs a to immobilize major trafficking organizations operating domestically. There are two components of this initiative: requests for strategic and operational intalligence enhancements.

Stratenic Intellioence

DEN requests 36 positions (31 intelligence exectalists and 5 surport). 18 workwarm, and \$3.488.000 including \$1.202.000 in execusa funding, to fully establish the National Navoctics Intelligence System (NNIS), as directed by Recognization Plan Number 2, in order to enhance ERN's strategic infelligence capabilities and improve interspency collection, exploitation, and dissemination to satisfy the needs of drug intelligence consumers at all levels of government.

National Security Decision Directive No. 221, signed by the President in April 1986 and entitled <u>Nanotices and National Security</u>. Consequently, observed and consequently, the President charged the Pederal government to being "all available resources to bear on the allamination of naroccloss production, trafficioling, and abuse." To seeist Present policy makes in determining the most effective allocation of source resources, a more comprehensive, and continual assessment of the overall drug problem is required. Information that can quite decisions on resource deployment, drug control strategies, potential drug threats, and the relative success of enforcement initiatives can only be obtained through a fully functioning strategic intelligence system.

DEA uses strategic intelligence to identify trends and organizations involved in demestic end international production and trafficting for internal planning purposes. For example, the initiation of special enforcement operations or expension of foreign offices principally occurs because strategio intelligence information points to a problem that mate he addressed, indicates a vulnerability that may be exploited, or identifies a void of intalligence browledge. Unfortunately, there does not currently exist a comprehensive strategio intalligence sported or providing the secure of information requested or required to support a worldwide system of problem identification and resource allocation. DEA has only 50 analyses devoted to the production of the worldwide strategio intalligence necessary to export the 32 Federal agencies with drug control responsibilities.

Recognizing these requirements and the need for a coordinated effort emeng the various agencies involved, the National Drug Folicy Board (NDFB) designated DRA as the lead agency for drug intalligence on May 22, 1987, reaffirming the responsibility assigned in 1973 when the functions of the Office of National Narcotics Intelligence were transferred to DEA under Recognization Plan No. 2. As such, it is DEA's

responsibility to coordinate the drug intelligence resources of all appropriate agencies to ensure adequate and consistent intelligence tasking, collection, analysis, and dissemination.

However, the magnitude of this enhanced responsibility carries with it an absolute requirement for additional resources. The growing significance of drug trafficking and abuse has led to dramatic increases in the number of Federal agencies as wall as Federal, State, and local agents charged with the enforcement of drug laws; this translates to concentrant intraeses in both the producers of raw infalligence information and the communest of finished intelligence products. It is IRR's mendate to analyze and disseminate this information in order to support these agencies and individuals. However, IRA's Intelligence program has realized a net degrapse of 36 positions over the past 10 years. The lack of an adequate level of resources and the immediate requirements of providing case apport has required activities.

Operational Intalligence

DEA requests <u>61 positions (54 intelligence smalvet and 7 support), 31 workvears, and \$3,902,000</u> to enhance its financial and investigative intelligence capabilities.

Over the past several years, DEA has increasingly targeted its investigative efforts toward identifying and naturalizing the most significant drug trafficting organizations. Operational intalligence augmont played a significant role in DEN's investigative achievements. In fact, the primary measure of success of operational intalligence is effective augmont to investigation, prosecution, exactication, and intendiction. Specifically, operational intalligence refers to information gathered to provide analytical support to the investigation and presecution processes. The development of such information, in a relabble and timely fashion, is essential to the effective and efficient utilization of investigative resources. In addition, more than 8,000 cables and reports are generated weekly and deposited at DEA Headquarters. Analyzing, summarizing, and computerizing this information can provide a vest securit of information to field enalyses and investigators that would otherwise be unavailable to them. Considering can be invaluable.

In 1985, DEA received a significant increase in its investigative workforce while the number of enalysts actually decreased. Since that time, the Intelligence program has never been able to recover fully to the IEA staffing standard of one analyst for every 10 investigators, approximately one for each enforcement group. Continuing growth over the last several years has worsened the situation. In 1989, DEA will have

agreculantaly 2,700 special agent and State and local tesk force officer personnal actively engaged in investigative activities. Supporting these investigators are agreculantaly, 170 intelligence analysts performing operational and financial ones asport. Consequently, each analyst must support 16 investigators at any one time. Considering that each investigator will carry an average of five cess each year, every analyst must provide the full range of intelligence support activities to 80 cases armanly. This workload strains the analytical capacity to the point where many cases receive only cursory, if any, intalligence support, without adequate intalligence apport, IEA's investigative resources central to the fullest extent.

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The amount of information available for collection and exploitation for intelligence purposes is virtually unlimited. In fact, the workload and production of DEA's intelligence program is limited only by the resources that can be devoted to analysis. The 1990 budget requests only 54 analysis positions, which will provide roughly one analysis for every two investigative groups. DEA's unlimite goal is to achieve a one to ten analysis to investigator ratio in order to seems more affective and afficient use of investigative resources. To meet this goal, additional analysis above the 54 positions requested would be necessary.

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of enforce support to ensuing Long-Renne Goal: Provide required laboratory. intelligence, and diversion control activities.

Marior Objectives:

- Provide timely analysis of DEA, FHI, and other Pederal agency drug evidence. 0
- Provide expert testimony in court. ٥
- Provide field assistance (clandestine laboratory investigations and seizures, and crime scene searches for trace drug evidence) to DEA and FBI special agents. 0

- Assist DEA and the FEL in the development of compilizery cases, the scultocing of foreign drug distribution patterns, the determination of origin of controlled substances by conducting indepth signature analyses, and hallistics examinations of DEA and FEL evidence (tablets, organise, and popers).
- Assist other Pederal agencies in forwaric drug exceinations, and improve forwaric drug cupobilities of law enforcement agencies worldwide.
- conduct research on new analytical techniques and monitor the emergence of new druym of abuse.

Intelligence, and diversion control activities of EE. Enforcement activities are exported by the timelligence, and diversion control activities of EE. Enforcement activities are exported by the timely 'analysis of drug avidence by forests of channels and presentation of expect testitury in court; providing field essistance to agents on clandestime and presentations and crime scene searches for trace drug evidence; and the conducting of ballistics, in-depth and signature analyses for the development of computers occusions activities are supported through the baroin signature analyses to decarative the ordain of satisfactors and through the baroin signature analyses to controlled statetance to annitor desertio drug distribution and priory signature are the retail lawd. Diversion of Ediversion drug distribution of alcitly produced drugs to identify computed of microscopic tool markings with those of submarticly/reference meterial) of tablets, organisated papers which provides information on illuqual distribution of licitly produced drugs to identify possible illegal activity by controlled bathetenes had retained that the program also provides foremated drug lawd, and provides apport to the FEE, which has concurrent jurisdiction for the enforcement of Pateral drug lawd, and provides apport to other Pederal law enforcement agencias that do not have their on foremate drug seamination capability or that require the appoint expectise of EEA forensic solarists.

Accomplianments and Marklond: DEA laboratories enalyzed 35,005 andibits of evidence during 1988, of which 3,377 wave for the FRI and 2,885 wave for combined DEA/FRI effects. This represents a increase of 4,136 analyses from 1987. DEA chemists testified in 1,217 trials, an increase of 33 percent over 1987, and conducted 1,044 ballistics examinations, an increase of 34 percent over the previous year. DEA also identified 14 new illagal protocypes of tablets, 29 new types of ISD blocker paper that have entered the illicit drug market, and added 305 lagos to the Packaging LOGO File in the ballistics data base, an drugs through identification of characteristic packaging markings.

DEA laboratories provided time-communing field assistance in clandestine laboratory investigations and vacuum searches for drug svidence on 266 occasions, compared to 260 in 1987. DEA conducted 1,058 Heroin

Signature analyses, a 33 percent increase over 1987, and developed or presented 36 new methods for the identification or analysis of drugs to the international forensic community, a 157 percent increase over 1987. Additionally, work continued in 1988 on the identification of new controlled substance analogues.

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Erojected workloads for the DEA Laboratory Services program are as follows:

	1987	1988	1989	1990
Item	Actual	Actual	Estimate	Request
Evidence Analyses				
Number of Edulbits	30,869	38,005	37.000	40.00
Turnaround Time in Days	ន	1	13	13
Court Appearances	916	1,217	1,250	1.287
Field Assistance Requests *	. 260	566	293	900
Ballistics Examinations **	780	1,04	1.200	1.200
Ballistics Reference Examinations	251	197	202	202
Heroin Signature Analyses	797	1,058	1.097	1.097
Domestic Monitor/SENTRY Analyses	52	183	250	340
Cocaine Chemical Solvent	389	724	1,134	1,200
Analyses	•		•	
International Praining Sominar	-	•	•	•

* Field Assistance includes involvement by chemists in clandsetine laboratory investigations and vacuum searches for controlled substances.

** Ballistics examinations include analysis of dyes, markings and other characteristics of tablets, capsules, blotter paper, etc.

Program Changes:

An increase of 20 mositions (9 chemist and 11 surmort), 10 workwears, and \$6,398,000, including \$4.633.000 in program Anding, to enhance the analytical capabilities, facilities, equipment, and staffing of DEA laboratories. Included in this request are \$3,000,000 for laboratory expansions and \$1,633,000 for equipment funds.

Inhoratory Suport

In response to DEA's 1990 request for an enhancement of 164 egents plus State and Local Teak Force funding for 60 additional State and local police officers, DEA is requesting that the approved modular staffing for chemists and derivative clerical support be applied to provide 2 chemists and 2 surport personnal. The current staffing module provides one chemist for every 19 agents and one clerical support position for every 5 chemists.

In addition, DEA requests <u>6 evidence technicians and 3 fincerwrint technicians</u>. The need for additional evidence technicians results from dramatic increases in laboratory workload since 1979, which have created storage and hardling problems. The evidence technicians will alleviate the current problems and strengthen internal controls. The three additional fingerprint technicians will allow all but one of the field laboratories to have a qualified technician on hand to lift and process fingerprints from drug packaging materials.

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DEA policy allows a maximum equipment replacement cycle of 10 years, but requires replacement cycles of six to nine years for some instruments. The current base of \$467,000 is less than one fourth of what has been historically required to maintain replacement schedules. It will not be feasible for DEA to continue to divert resources every from other important programs in order to find replacement of checkets and important programs in order to find replacement of checkets and important laboratory equipment. In both 1986 and 1987, DEA purchased approximately \$2,000,000 worth of equipment, half of which was for replacement equipment.

As such, DEA is requesting \$1,632,000 in equipment funding for equipment replacement necessary to maintain the efficient operation of the program.

Interactory Econological Appropriate

Continued growth of DEA laboratory staff and workload has filled laboratory facilities to capacity. The Southeast (Miami) and Southwest (San Diego) laboratories in particular are experiencing overcrowded conditions, and planned staff additions will exacerbate this situation unless laboratory expansions are quickly initiated.

The Southeast Laboratory currently has 16 workstations utilized by 26 employees, including, among others, 14 bench chemists, a physical science aide, a fingerprint technician, and a Cooperative Education student. The Southwest Laboratory has 31 employees, and 16 workstations to service 19 bench chemists, a fingerprint

technician, and a Cooperative Education student. Some of the chemists and technicians have been forced to work in temporary, makenhift stations. In addition, because of staff and workload increases requiring more equipment, it has become necessary to utilize some of the chemists' space for instruments.

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Additional space of 3,650 square feet in each laboratory (a 25 percent expensivn) will accessodate 10 workstaines in a third main laboratory room. It will also result in one additional instrument room, one additional special purpose laboratory for bulk evidence seleures and special projects, and office space for a supervisor and a secretary. This request is based on similar requirements for the new Northeast laboratory facility currently under construction.

Costs include renovation of existing space, additional heating, ventilation, and air conditioning requirements, fixed laboratory furniture, paraments safety equipment, and modification of electrical wiring and plumbing.

1990 Bstimte Increme/Decreme	Pere. Ros. M. Amo.	72 70 \$10,721 72 70 \$15,721 \$5,000	: Establish, maintain, and enhance the mission-related skills of DEA personnel to carry responsibilities.
1990 Brass	Perm. ExeM _Ascurt.	72 70 \$10,72	mhance the mission
	Perm. Ros. W. Amount R.	70 \$10,438	h, maintain, and e ities.
TW	Pers. Ros.	DEA training 72 70 \$10,438	Long-Range Goal: Establish out their work responsibil:

Major Objectives:

- Provide high quality entry-level training for special agents, diversion investigators and intelligence analysts.
- o Provide the latest in advanced and specialized in-service training to investigative and other agency personnel in order to be fully prepared for duty.
- Provide supervisory, mid-level management, and executive development training for appropriate agency officials.

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- Provide foreign language fluency training for all permormel sponsored by DEA who are to be assigned overseas or in border offices in need of such training.
- Provide firearms training for all DEA special agents along with aggregariate weapons and supplies.

Bies Excursa Description: DEA's training center and programs are collocated with those of the Federal Bureau of Investigation at the FB1 Academy in Quantito, Virginia. The DEA training program focuses on providing the DEA workforce with the skills and investeday necessary to fulfill DEA's mission. DEA's specialized training courses include entry level recruit training; advanced and in-service specialty training such as marine law enforcement, claridectine laboratory safety, terrorism searmens, and infalligence collection and analysis; management and expervisory training; and foreign language training.

Accomplishments and Marklosh: Accomplishments of the DEA Training progress are presented in the following table:

1987 Actual	General Training	Basic Agent Training Number of Classes.	Manual of Substitutions 408	fining.	Number of Students 37		Number of Students 80	Intelligence Analyst Trainurg Number of Classes
1988 Actual		80 (687	ત	8	4	222	26
1989 Estimate			33	8	82	vo	214	1 28
1990 Request		©	324	N	82	7	252	113

	1987 Actual	1988 Actual	1989 Estimate	1990 Request
Forensic Chemist Training Number of Classes. Number of Students	21	2,1	50 1	29.7
Specialized DEA Training Asset Removal Schools Number of Classes Number of Students	4 148	4	140	140
Clandestine Laboratory Safety Schools Number of Classes	ls 6 238	8 254	200	200 200
Firearms Instructor Certification Schools Number of Classes	chools *	2 69	3 132	132
Foreign Language Training Number of Classes	N/N A/N	130	081	130
Safety and Survival Seminars ** Number of Classes	51 1,403	8 81	80 3	150
Other Specialized Training Number of Classes Number of Students	32 993	82 1,769	40	100

*The FBI conducted DEA's Firearms Instructor Certification Schools in 1987.

** Note-that—is 1987,—11 Safety and Survival Schools were held in Quantico, Virginia, that trained 303 agents. These agents returned to their Divisions and taught an additional 40 classes that included 1,100 agents. Subsequent classes were held at Quantico.

1987 Actual	dministrative, Technical/ Other (FATCO) Luberta	ng tts 418
1988 Actual	41.1	334
1989 Estimate	277	330
1990 Request	008	90

Program Changes:

DEA requests \$5,000,000 to provide firearms equipment, and to provide for additional in-service training for law enforcement personnel.

Pirearus Bouirment

DEA requests \$275,000 to purchase firearms equipment, including semi-automatic handpurs, submaching gurs, shotgurs, five Firearms Automated Training Systems for DEA field Divisions, and one firearms range material conveyor cart for the Office of Training.

Monitoring of agent shooting incidents and records on weapons seizures indicate that drug traffickers are using more powerful weapons than ever before. Since Jánuary 1985, DEA agents have been assaulted by firearms 14 times, resulting in the death of five agents. In 1987, DEA seized 4,964 weapons from drug traffickers, 30 percent were automatic or semiautomatic, 33 percent were revolvers, 22 percent were sifety, and 15 percent were shotypus. In 1988, 5,304 weapons were seized. Although DEA did not keep detailed tallies of the types of weapons seized before 1987, records of drug-related firearms seizures provided by the Dureau of Alcohol, Tobacco and Firearms show a marked increase from 1986

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to 1987: handoun seizures increased from 457 to 1,175 (257 percent); rifle and shotoun seizures increased from 441 to 2,119 (481 percent); and machine gun seizures increased from 35 to 152 (434 percent). Given this level of weapons seizures, the potential for future violence is alarming.

In view of this increasing threat, DEA has begun to equip field operational groups with accurate and rapidly firing weapons, including 9mm semiautomatic pistols and shamchine gars. These weapons will allow DEA to maintain parity in firepower with the criminal opposition. Field divisions are also enhancing their tactical training capabilities, providing agents additional shocking practice in more realistic situations. This request will also provide the domestic field divisions with five Firearms Antomatic Training System is the best available and most cost-effective method to train agents an accurating basis in critical judgmental shocking. This in-service training capabilities device, tested for DEA use at Quantico and in several field bivisions, augments the implementation and introduction of the new agent weapon enhancements described

Finally, this request will provide a device to transport heavy ammunition, target systems, and other material from storage rooms and gun vaults to the six outdoor firing ranges located at Quantico.

In-Service Training

DEA requests \$4.025.000 for expanded in-service drug law enforcement training.

Given the increasingly complex nature of drug law enforcement, and the nature of DEA's investigative workforce (52 parcent of DEA's present field criminal investigative workforce has less than 5 years of service) DEA's need for advanced in-service training has become a growing concern. Additional funds are needed to assess the need for new training courses, for course development and materials, and for the space in which the courses will be held. Ourrently, DEA conducts its in-service training at the PBI Academy in Quantico, as well as throughout the 19 field divisions.

Projections of DEA and FBI basic agent training and other mandated training needs through 1995 indicate that the space for in-mervice training at the FBI Academy will be virtually unavailable. Attrition rates for DEA Special Agents are expected to remain at six percent of the Special Agent workforce (about 160 agents per year) for the forceeeable future. This means that even in years when there are no agent enhancements, DEA will require at least four Basic Agent classes par year. Given projected rates of FBI

Special Agent attrition, which escalates to 575 agents by 1995 due to hiring patterns in the early 1970's, the ageos remaining for other critical training will be severally restricted. Thus, in-earlies training requirements will have to be fulfilled at locations other than PBI Academy.

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· », With this enhancement, IEA will reduce its in-service training deficiencies. IEA basic agent training will continue to be conducted at Quantico. Additional in-service training will be developed and conducted at the PEE Academy when space limitations parmit, and other training sites will be obtained when space is unavailable at the PEE Academy. Options for additional training sites include potal and conference facilities that can be resided or leased, and other Pederal training centers.

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Long-Range Goal: Support DEA enforcement and intelligence programs through research, development, procurement, maintenance, and management of technical investigative equipment, and provide direct technical emsistence and aviation support to ensure maximum achievement of the agency's mission.

Major Objectives:

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- Increase the productivity of staff by providing high-quality technical apport to field operations.
 - Increase the efficiency of agency field operations through the development of new or improved devices, and the application of scientific research.
- o Provide scientific and technological information, training, coordination, and liaison services for DEA and the national and international drug law enforcement and intelligence communities.
 - o Increase the productivity and efficiency of DEA operations by providing advanced scientific instrumentation, electronic laboratory support, testing equipment and services, and specialized microprocessor engineering support.
 - Conduct technical/investigative support, radio communications, and polygraph support.

 Acquire, maintain, and operate an aircraft fleet with sufficient capabilities to meet all operational requirements.

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Provide operational aircraft and aviation-trained special agents for domestic investigative augoct and foreign drug intelligence gathering and operational engoct.

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Base Program Description: The Research, Engineering and Technical Operations program andresses following major program areas:

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Research and Engineering Program: This program element is designed to provide new technology and scientific support to the operational elements of DEA.

Technical Operations Program: This program element is designed to make optimal use of DEN's technical equipment, aircraft and personnal resources in a marner that allows DEN investigative personnal to maximize their efforts, enhance their personnal safety, and eccemplish the agency's mission: The Aviation Program is designed to increase the effectiveness of DEN's enforcement effort by offering apeal, mobility, varietys and other qualities unique to aircraft operations. Buch qualities permit the encoesatin purmuit of drug investigations not possible with surface vehicles.

Accomplishments and Workload:

ALE Program: DEA flow 5,347 missions totalling 14,920 flight hours in 1987. This increased by 32 percent in 1988, with 7,057 missions flown totalling 19,480 flight hours.

1988 7,057 19,480	
1982 5,347 14,920	
1986 5,379 14,255	
Air missions Flight hours	

<u>Technical Operations</u>: DEA's Technical Operations program continued to provide vital radio communications, air and polygraph support, and other technical support to investigations, as well as greate a safer environment for DEA's special agents. The continued implementation of the <u>Digital Voice Privacy</u> (DVP) radio system and the increasing role of DEA's Air Wing in both foreign and demestic operations were emorg the major accomplishments in 1987.

As of 1988, DVP radios were in full operation in the Seattle, San Francisco, Los Angeles, San Diego, Miami, and Atlanta Divisions. Equipment for New York, Boston, Newerk, Detroit, Mashington and Philadelphia has been purchased and should be installed in 1989.

Technical Operations Program - Projected Norkload

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1990 Request, 2,600 2,340 908 15
1989 Estimate 2,300 2,075 904
1988 2,210 1,970 198 10
1987 Actual 2,050 1,743 85# 6
Acquest for Technical Assistance Response to Request Percent of Requests Satisfied DEA Divisions with DVP

Research and Engineering: In 1988, DEA completed 60 percent more research and engineering studies than in the previous year. These studies involved systems analyses, operations research, prototype development, and operational evaluations. DEA's research and engineering accomplishments in two areas are notesecting:

- o Remote Sensing: Several remote sensing products based on commercial imaging satellite data sources were provided to DEA operational elements. The scope of support included map products for remote areas of the world, an analysis of illioit crop detection and identification, land cower analysis, and land use change monitoring.
- o SAXXXXII: TWO SAXXXXIII engineering model terminals were delivered. These engineering models etc. have been evaluated to identify changes that are required to enhance the technical performence, operator interface, and physical and environmental durability prior to the production phase of this program. When fully implemented, the SAXXXXIII system will allow DEA operatives to communicate worldwide. The SAXXXXIII system will augment and eventually replace the existing SAXXXXIII system.

Additionally, DEA continued to develop advanced technology for DEA operations, as reflected in the following projects:

- o <u>Aixcraft Updrade Program</u>: In support of DRA air operations, upgraded four airborns surveillance forward-looking infrared systems to meet state of the art technology,
 - o <u>Search and Rescue</u>: Additional emergency locating transmitters which function through satellites were provided for use by DEA Agents in South America.
- o Technology Support: A symposium was conducted to familiarize operational elements with advanced detection technologies to be exploited in support of South American initiatives.
 - o Sensors: Enhanced sensor systems were developed, tested, and provided for operational use.

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1990 Request	212
1989 Betimate	77
1988 Actual	ឧឧ
1987 Actual	16 16
Item	Research and Analytical Studies Technology Developments

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		7	No. M. Amount	K i	Ħ	Pers. Pers. Pers. Pers. M. Amount: Ros. M. Amount:		Ħ	Amount		2	Amount	
TP and Telecomm 133 120 \$52,484 109 102 \$52,692 115 105 \$70,853 6 3 \$18,161	E	120	\$52,484	108	102	\$52,692	a	50	\$70,853	v	6	19,161	
1990 base resources reflect program decreases for management and productivity savings of 24 positions and 221,000 for finid data entry and computer programming activities.	ata e	ect pr	ogram decree	ses for program	and a	persent and activities	l produ	ctivi	y savings	1 of 24 p	osit	tone and	

LOTO PARTS CAL! Provide high quality and timely automated data processing and telecommunications support sufficient to maximize achievement of the DEA mission.

Major Objectives:

- o Complete the conversion of DEA's information systems into the M204 Data Base Management System (DBMS).
- o Ensure the security and integrity of data for all office, data processing, telecommunications and teleprocessing systems.
- Provide the additional information systems and technological flexibility needed to respond to DEA's changing environment.
- Continue the systematic implementation of DEA's Office Automation system throughout all offices within the ayency.

o Cost effectively improve the quality of information within existing DEA systems in support of DEA's mission and increase productivity in the delivery of information.

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Race Program Description: This program provides all ADP and Telecommunication services to DEA on a worldwide basis. This responsibility includes the maintenance of a modern DEMS with retrieval capability that can establish relationships between various DEA data bases while also significantly improving the ability to query and file within those data bases. In addition to the DEMS, the ADP and telecommunications program is responsible for continually revisating DEA's system needs in order to identify and develop systems applications that will result in the application of ADP technology to DEA's mission in an effort to maximize the efficiency and effectiveness of the agency. DEA maintains a number of permanent systems, including the following: Nercotics and Dangerous Dangs Information System (MEMDS), Enforcement Management Information System (BEMS), PROHETHURS II, Controlled Substances Act System (GBA), System to Retrieve Information from Dang Evidence (STRIDE), and DEA Accounting System (DEAAS).
Additionally, microcomputer applications are frequently developed for specific enforcement operations.

DEA has a requirement to support investigations of illicit drug operations worldwide. The highly translant nature of subjects under investigation requires the support of a Score Communication System, which includes, for both domestic and foreign offices, secure voice, faceialie, teletypewriter orders. Communications, Communications Security (COMSEC) accounts, Iaw Enforcement Information Access Systems, and paging systems.

Accomplianments and Workload:

- o <u>Office Automation (OA)</u>: The Office of Information Systems was reorganized to support the Office Automation Project. Hase II, the OA training and installation, began in the Fhiladelphia Division. The technical interface between the OA Scoure Message System (SES) and the DEA teletype system was developed in order to carryout systematically by phases the implementation of OA. The OA network was redesigned to support both a secure message capability encrypted with NG-64's and a non-secure (DES) data communication system.
- o <u>controlled Substance Act (CSA)</u>: The implementation of procedural charges for full 3-year registration was completed. During the transition phase, renewals in early 1988 were split between one, two, and three year renewals in order to stagger the workload. Since July 1988, all renewals were for three years.

o System to Retrieve Information Days Evidence II (STRING II): Implemented a deferred updating capability for the Laboratory Analytical, Evidence Inventory and Ballistics subsystem which successfully improved the on-line response time for these systems.

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- o Administration Systems: A series of programs were designed and developed not only to support the Office of Chief Coursel and the Office of Personnel with the Segar vs. Thornburg lawsuit, but a series of programs were designed and developed in support of the Manis vs. Thornburg lawsuit, while others were developed to support DEA's Drug Deterrence Program.
- o <u>Case Status</u>: The Case Status System was enhanced to allow for the recording of workhours expended by case and Geographical-Drug Enforcement Program identifier which will allow tracking of hours apent on a case to an upgraded GREP.
- o <u>Telecommunications</u>: Additional DEA automated teleprocessing system (DMIS) terminals were installed in 38 domestic and 15 oversees locations, enhancing DEA field offices capability to communicate.
- o CONSEC: In compliance with new regulations established by National Security Agency (NEA), DEA conflucted 68 Communications Security (CONSEC) inspections.

Program Charge:

DEA requests <u>6 surport positions</u>. 3 workvears, and \$18.161.000 including \$16.208.000 in moorem Anding, to enhance its automated data processing/telecommunications (APP/T) services. The ALP/T program surports all sepaces of IRA's mission by providing the efficient processing and storage of information, as well as secure and efficient communications systems. This request surports IRA's strategic initiative to expend surport services in key areas to adjust for shortfalls created by past increases in investigative resources. The enhancement is presented in two portions: Office Automation and APP Shortfall.

Office Automation

DEA requests an additional \$9,722,000 for office automation initiatives. DEA's office Automation system is a multi-functional, standardized workstation that accesses and manipulates DEA's information systems, acts as a standard-alone word and data processor, and provides secure message and document transmission. DEA received funding and authority to begin implementation of a Office Automation system in 1987. A pilot project (Phase I) testing the system was conducted in the Washington Division and DEA is now ready to

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continue domestic implementation of the system. The bulk of the resources required to complete the Office Automation project was requested and approved by the House and Senate Appropriations Committees in the 1988 budget and were to be carried forward into 1989. However, the resources were not received as a resoult of the 1988 budget sammit agreement and DEA is now in the midst of an expensive and seriously underfunded project, that cannot be abondoned.

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Phase II of the project, which is based upon the 1,045 workstations originally planned for in the contract, was initiated in 1987. The final phase of domestic implementation, Phase III, provides additional workstations to eccemnodate the agency growth since the initial plan was developed.

The 1990 plan requirements are estimated at \$21.4 million, which, in addition to the unfunded position of the 1989 plan (\$4.9 million), brings the total funding requirement for 1990 to \$26.2 million. To fund this project in 1990, DER has a base funding level of \$9.2 million. An additional \$4 million will be available when leases for existing interim office automation equipment are texminated. Most of the remaining resources are requested within this budget. A total of \$3.7 million for Office Automation resources is included within the 1990 position cost mobiles and an additional \$8,722,000 in program Andiding, over and above the 1989 request, is requested in the ADP/T program.

APP Sportfall

DEA requests <u>6 positions and 59.439.000 including 57.486.000 in procram funding</u> to alleviate ADP resource shortfalls. DEA has realized significant growth in its investigative workforce during the past seven years. As a direct result the increased workforce has increased the number of investigations that generate additional quaries to DEA's information systems, meases traffic, investigative records, informant entries, and so forth, all of which impact upon the workford of the ADP/T program staff. The resource implications of these increases have been staggaring, and have, for the most part, been absorbed internally by diverting resources from other DEA activities. The following resources are requested:

The DOJ COMBAILET Certicar Late Processing Charge. Prior to 1988, DEA's funded base was \$2.8 million for data centear usage. The increase in the number of HEA users, systems, capabilities, and accessibility causade a rise in computer charges to \$8.5 million in 1987—a 204 percent increase over the funded base. Order for usage in 1988 were just over \$8.1 million. A reprogramming in 1988 raised the funded base to \$8.2 million. Due to increased numbers of terminals and end users, costs for usage are projected to exceed \$12 million by 1990. Special funding of \$4,000,000 is requested to provide the resources required for Justice Computer Center access. This laws of information systems users.

Data Bitry Contract. DEA currently utilizes limited contractor support for data entry in the field. This allows timely input of information into DEA intelligence and investigative data bases and allows The selfoyees to concentrate their efforts on governmental functions. The amount of data being generated has risen without increases in agrouphated funds to increase the size of the data entry contract. Overtime costs for the program in 1987 totalled \$27,000 and are expected to increase to \$80,000 in 1988. By 1990, data entry requirements will necessitate an increase in the size of the confract or force higher-graded DEA personnal to assume greater responsibility for this function. Six positions and \$3,823,000, including \$1,870,000 in program funds, are requested to expand the data entry contract in all field and headquarters entities. Included in this enount are two positions and \$1,725,000 for initiation of systems development contracts for an investigative records expert system and a bar code system to track drug evidence. These positions and contract support will be assigned to offices based on workload requirements for entry into all on-line data bases generated by that personnel to 147.

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Investigative Records Analyzis Contract. Since 1983, the number of investigative records generated by DEA personnel has increased by 61 percent. In order to support the workload increase, DEA has increased the number of personnel in its investigative records analysis contract by internally redirecting recources. Investigative records volume in 1990 is expected to increase an additional 30 percent. The request includes \$700,000 to increase the investigative records analysis contract, raising the total number of contract employees from 90 to 118. This function is lowy to maintaining the information in NAUDIS on a timely and accurate basis. Performing this activity on a commercial basis is consistent with the Administration's policy on contracting with the private sector.

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EXIC Committee. The computer that supports the EPIC data bases was installed in 1975 and is currently operating at maximum expansion capability. There are approximately 11,200,000 records on file and approximately 10,000 trainsactions are processed daily. The number of records and transactions has increased significantly ower the past several years and that train is especial to continue, especially when the 1989 EPIC staffing increase is taken into consideration. Growth of the EPIC data base is only possible by pruying existing files and establishing subset files for all information stored on the system. This process slows response time and increases processing charges. Nore significantly, it erobes the data hase that EPIC relies on to respond to information quaries and conduct infelligence analysis. Charging the existing database to one that provides adequate flexibility to meet the program's requirements will expand the existing on-line storage capability. This request also includes \$916,000 to purchase a new mainframe computer for the EPIC.

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1989 Appropriation

\$73,000 in DEA's file management activities. *1990 b

LOTH-NAMES GOAL: Provide effective and efficient record management and library support to ensure the optimum success of DEA's mission requirements.

Major Objectives:

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- o Upgrade the maintenance, retrievability, and disposition of DEA files through the application of records management practices and technology.
- Provide responsive directives to management services for prompt dissemination of policy and procedures. 0
 - Provide effective reports management through cost benefit analysis, management of reports information data-base, and periodic reviews of reporting requirements.
- Provide specialized forms design and analysis for drug enforcement programs and electronic data processing systems. ٥
- Provide efficient and responsive library services for all DEA elements. ٥
- o Provide information analysis using on-line data-base retrieval systems in support of overall enforcement requirements.

Base Program Description:

Records Management: The Records Management program element provides development and implementation of policy and procedures for DEA records management, programs and systems, including reports management, forms

analysis and design, files maintenance, records disposition, directives disposition, correspondence management, and systems and procedures studies.

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Investigative Records: The Investigative Records program element maintains a large volume of hard copy files on drug investigations conducted by DEA worldwide, and drug intelligence reports received from the FMI and other agencies. Reports in these files are source documents for NADDIS, a computerized data base, and are used extensively by the DEA Headquarters staff. The Investigative Records Unit is responsible for extracting pertinent information from these reports and entering this into NADDIS. The Investigative Records Unit also maintains a central file of all disclosures of information to individuals and agencies outside the Department of Justice as required by the Privacy Act of 1974. Names in these hard copy records are extracted and recorded on microfiche to provide an audit trail.

The program also maintains the Case Status subsystem of BMIS, an on-line information system that has been designed to store, organize, and provide information about DEA case and general files on all DEA confidential informants. This information is then entered into a highly secure, computerized data base (BMIS III), a central file of all disclosures of information to individuals and agencies outside the Department of Justice as required by the Privacy Act of 1974. Names in these hard copy records are extracted and recorded on microfiche to provide an audit trail.

<u>Library:</u> The Library's on-line computer information services, Dialog and Nexis, contain over 300 different data bases with approximately 200 million records. These services provide information on a variety of subjects ranging from citations on comporations and individuals to bibliographic citations.

Accomplishments and Morkload:

In 1988, DEA's accomplishments in the Records Management program were as follows:

- Revised and republished DEA's Agents Manuel, Administrative Manuel, Fersonnel Manuel, Training Manuel and Planning and Inspection Manuel. Parts of the Laboratory Operations Manuel and Diversion Investigator's Manuel were revised and republished.
- Reviewed 238 existing forms for possible consolidation, elimination or revision of information needs due to program changes. Revised 37 forms, eliminated 14 forms and published updated 1988 Forms Catalog. 0
- o Completed forms for the Ragistration Program resulting from the passage of the Comprehensive Crime Control Act which permitted a change in the registration cycle from 1 to 3 years.

o Reviewed, propared, processed and obtained CHB approval for 7 collections of information from the public in compliance with P.L. 96-511.

- o Implemented the Reports Management Program. Six major offices were surveyed for recurring reports under this program.
- o Processed 422,914 investigative reports and cpered 26,819 investigative files. Created or updated 795,402 NADDIS records, increasing the data base to 2,117,140 records. Processed and reduced to microfiche 90,706 Disclosure Account Records.
- o conducted surveys of all Headquarters offices to develop file plans for improving filling efficiency, reduce loss of time for retrieving files, disposal of non-essential records, and provided technical assistance and advice to Headquarters and field offices.
- o Acquired three on-line computer systems for the library. Two of these systems, Dialog and Nacis, together contain over 339 different data bassa with approximately 209 million records. Information from these systems has enabled DEA staff to accomplish move in depth investigations and research. The third system, Online Computer Library Center (OCIC), is a library system for cataloging and tracking inter-library loans. The Library maintains 168 special studies and reports for staff reference.

Activity: State and local	1989 A	1989 Appropriation Anticipated	iation		1990 Base	989	ST .	1990 Batimate	imate	Incres	Incresses/Decress	•
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Merice Orders Ives

- Provide training in basio, edwarced and specialised drug law investigation techniques and methodologies to State, local, military and other Pederal Offices and forensio chemists.
- o Include the latest state-of-the-art expertise in surveillance, undercover operations, search and seizure laws, drug identification and pharmacology, financial asset investigations, physical fitness, and firearm proficiency.
 - Provide management officials with the skills required to direct a comprehensive drug enforcement program within their area of responsibility for State, local, military and other Pederal professionals.

Base Process Description DEA's State and Local Training progres includes the following:
Advanced and Specialised Drug Law Enforcement Training: This training includes the National Drug
Enforcement Officer's Academy, which provides investigator trainings skills in surveillance, undercover
operations, search and seisure lase, drug identification and pharmacology, financial asset investigations,
and firearms proficiency. In addition, specialized training includes Carmbia Detection and Eradioation
Training to State and local officers throughout the United States, as wall as a variety of training
exercises under the amapices of DEA's 19 field division training units. Field training varies from Besic
Investigator's School to short seminars on specialized topics such as clarisetine laboratory operations.

Management and Supervisory Drug Law Enforcement Training: This training our Louise focuses on management techniques, priorities, interdepartmental cooperation, and available Pederal support to provide management officials with the skills required to direct a comprehensive drug enforcement program. Accomplianments and Markings . Accomplianments and workload for the State and Local Training program are presented in the following table:

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1966 1969 1990 Actual Estimate Request	40	8 7 8 7	125 126 126 4,800 4,800	22 20 20 910 800 800	35 35 35 36 1,400 1,400
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 Includes military and other Pederal agency training. Some of this training is conducted by the 19 DEA Field Divisions, and some is conducted at Quantico.

1969 Apregriation	8	and and and and and and and and and and	riation]	4 08		8	1	2	lines.	ą	Increase/Degrees
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Intro-Berna Coal, Provide support to State and local law enforcement agencies through supplemental laboratory analysis of drug evidence, thereby meeting applicable State Speedy Trial Act provisions, and encouraging State and local agencies to achieve formusic analytical self-sufficiency through provision of technical assistance.

Marior Objectives

- Assist State and local laboratories to achieve self-sufficiency through publishing technical information and participating in national and local forwards science meetings; providing training to forwards chamists; and supporting programs that enhance State and local laboratory capabilities.
- Provide quantitative and qualitative analysis of drug evidence for those agencies that do not have the required expertise or facilities, primarily the Metropolitan Police Department, Namhington, D.C. (MEDC).
 - Provide expert testimony in court regarding enalytical findings for prosecution purposes.
- o Provide analytical drug reference standards where there is no swallable commercial scurce.
- o Corduct ballistics examinations to identify common origins of illioitly-manufactured tablets and capacise.

Been Program Control agencies with technical semisterior, Services program is responsible for providing State and local agencies with technical semisterior, beyond the expertise of the formation laboratory servicing the agency, and for habitang State and local forwards laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions. This program seems to upgrade the analytical cupubilities of State and local laboratories.

Accomplianate and Markings In support of State and local agency drug investigations charing 1988, DEA Laboratories analyzed 6,037 drug exhibits, testified in 141 trials, conducted 42 balistics essainations, published 12 insues of Migratus, and conducted four seminars to testin 61 States and local forwards chamistra. Additionally, DEA forwards chemists continued to participate in regional, metional, and international forwards occurred by holding officer positions, participating on committees,

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Total 612 562 \$38,264

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and presenting scientific papers. Representatives of the laboratory system hald several mestings with officials of foreign law enforcement agencies to coordinate interpovermental scientific activities.

The aucomes of this program in fostering self-sufficiency of State and local agencies can be measured by the reduction of evidence analyses from almost 16,000 exhibits in 1976 to just 9,000 exhibits in 1984. However, workload generated by the Netropolitan Police Department, Nemhington, D.C. (FRDC) resulted in sorce than 8,000 exhibit analyses in 1986. These analyses were accomplished using large securits of overtime. The NPCC railes totally on DEA for enlyies of its drug evidence. Since tabulation of MPCO evidence mixelselons began in 1978, the share of State and local exhibits analysed by DEA on behalf of the NPCC has increased from 50 percent in 1988, when 10,920 MPCC exhibits were analysed.

Workload Projections for the State and Local Laboratory Services program are presented in the following table:

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*1990 base resources reflect program decreases for management and productivity savings of 17 positions and \$154,000 for accounting Amotions, and transfer of \$650,000 for annualization of the Imspection General Amotion.

This request includes a ten percent reduction to the legislative and public affairs progres levels based on administration policy.

Idno-Berna Gral: Develop, maintain, and provide effective and efficient management, esecutive direction and control functions.

Medor Objectives

- o Provide quality management direction and control through policy development. Provide accurate and timely information to Congressional requests, to special interest groups, and to the public reparting DRA's mission and activities. Provide a full range of legal services to the agency. Provide centralised progress coordination and reporting of seet forfeiture.
 - o Provide effective budget planning, formulation, and essoution. Provide an efficient IEA financial accounting and reporting system in compliance with CHE/CHO directives. Strengthen management procedure and internal controls through implementation of CHE Circulars A-123 and A-76.
- o Investigate instances of integrity misconduct within DEA. Maintain financial accuracy and timeliness through integral sadits. Effectively monitor and evaluate all programs within DEA through improclars for mission accompliament and operational parformance. Provide physical, facility, and information security to DEA. Continue an effective strategic planning process for DEA. Establish statistical systems for government—wide and DEA drug selectes, drug arrests, and asset selectes, and early for government—wide and DEA drug selectes, drug arrests, and asset

Develop agency-vide resources for drug abuse prevention and implement a nationalde program of demand reduction.

Best Program Description: This program is responsible for setting policy, and providing solutions to problems in program formulation, management functions and internal control as well as ensuring the effective development and utilisation of resources so that strategic goals and objectives continue to be act.

Staff Operations: This area responds to Congressional, media and public inquiries, provides DRA officials with reports on Congressional activities; issues press releases; prepares tack of speeches, outlines, talking points, and Congressional testimony; and prepares legal briefs; opinions, presentations and provides technical legal training in requisitory and original matters, civil litigation, esisures, forfeiture of assets, paracornal, Equal Employment Opportunity, procurement and international matters.

Financial Management: This area prepares DEA's budget, which is integrated with the DEA's Strategic Planning process; develops and maintains DEA's resource allocation plans; and provides the operation and expervision of DEA's accounting systems.

Planning and Inspections: This area advises management on all matters partaining to planning, evaluation, organization control, statistical systems, polloy analysis, parmornal, document and plant security and integrity/misconduct matters.

Account integrates and Morkloads

o Lagal Barvicas: During 1988, DEA completed 1,026 civil administrative actions—an increase of 15 parcent down's 1987. Enhanced enforcement activity was the principal cause of this increase) however, vorticed was also impacted by increase in reviews of 168 requests for procurement (a 102 parcent increase), 263 legal opinions and reviews of operational matters (a 69 parcent increase), and 90 reviews of employee discipling actions (a 61 parcent increase). Projecting modest increase of 20 parcent in 1989 and 1990, the total workload will increase to 1,859—75 parcent over 1987. In addition, legal advice was provided during the development of DEA programs for drug deterrence and hazardous waste disposal.

DEA's criminal law program was responsible for the review of 90 applications to conduct electronic surveillance, 22 requests for Attorney General exemptions to the undercover operations quidelines, and 97 proposals to conduct reverse undercover operations. In addition, 41 formal legal opinions

ware drafted, and 41 complex discovery requests were processed. This level of workload has remained fairly steady in 1988 for each catagory except discovery requests. Morkload associated with processing requests for discovery have more than doubled this year.

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Legal workload sescolated with diversion and requistory activities is increasing by 28 percent annually. During 1988, 70 percent of all cases required hearings before DEA's Administrative Law Judge. In comparison, only 30-40 percent of diversion cases required administrative hearings price to the legislative searchments allowing public interest revocation.

DEA processed over 15,000 asset sainures having an appraised value in encess of \$650 million. In addition, DEA forfeited administratively 6,772 assets valued at over \$81.1 million. Purther, requests for state and local revenue sharing were processed and approved resulting in a total sharing of \$75.6 million.

- Opportunitional and Rabilio Affairs: DEA coordinated the preparation and appearance of DEA officials in 43 Congressional hearings and 105 formal congressional briefings; prepared responses for 1,049
 letter inquiries from Congress and responded to 1,037 Congressional talephone inquiries; prepared and distributed three million publicative assembles; processed responses to 40,000 media inquiries and distributed three million publications; represented the agency and participated in 90 drug-related workshops and conferences throughout the countary; prepared approximately 60 major speeches for the Administrator; and wrote eight articles for the Administrator is byline which appeared in original justice journals.
 - o Planning and Immanding: DEA conducted impactions of six divisions, transp-three foreign offices, two laboratories, sixteen Headquartern offices, and four follow-up reviews. Percy-wire sudits were conducted concurrent with these impactions, aims with three audits of Special Enforcement Operations (SED's) and four special audits. These impactions and sudits resulted in the immance of 19s achdules of findings botaling 411 recommendations that, when fully implemented in the immance the affordance of findings botalising 421 recommendations that, when fully implemented will increase the affordance and effectiveness of DEA operations, assure management that compliance with explicable laws, regulations and rules is achieved, and assure the adequacy of internal controls over agency progress.

An extended investigation into the kidnep and murder of Special Agent Enrique Camerona resulted in Indictments equinst nine defendants in the Central District of California, additional Indictments and arrests are expected.

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DEA continued to produce and distribute the Quarterly, Semi-Armual and Armual Statistical Reports. A major review and redesign of the current methodology for compiling and ammerising statistical information of drug seizures and related activities was initiated. In conjunction with the National Institute on Drug Abuse, DEA participated in the revision of the existing emapling plan used for data collection by the Drug Abuse Warning Network.

DEA completed assessments of crisis management, headquarters travel, special agent staffing and the handling of seized and recovered monies.

DEA continued to provide security assistance to DEA facilities worldwide. Because of new facility construction during 1988, a Hysical Security Specialist was assigned on-site to monitor the construction of the EPIC and DEA headquarters facilities.

ADP security remained a priority and necessitated development of new security requirements and policies concurrent with the transition to the H-204 system. Extensive support was required in terms of formulating security requirements and policies for the Office Automation system.

Program Chances

DEA requests 2 surport positions, 1 workwar, and \$217,000 including \$102,000 in smedial program funding, to correct the existing staffing shortfalls in DEA's statistical program. Note that this request also includes a ten percent reduction to the lagislative and public affairs program levels based on administration policy. This reduction will be distributed to other programs within the Essentive Direction and Control decision unit.

The excess of DEA's effort is typically measured by statistics reflecting workload and parformance for various critaria, such as arrests, convictions, drug removals, and asset seizures. As DEA's investigative workforce increases, so does the amount of raw statistical data reflecting the activity. In order to provide accurate statistical information representing DEA's accomplishments for use in managing DEA's progress, preparing compressional testimony, responding to outside inquiries, and for use in budget submissions, an appropriate level of technical staff is required to maintain and exploit the raw data.

Ourrent technical staffing shortages have resulted in data being processed two-months behind the achedule required for the uses oltad above. Timely statistical information cannot be provided without a resource enhancement to the current technical staff (the existing staff consists of three temporary positions). The National Drug Policy Board mandated that DRA develop a Federal-wide Drug Seizure System. Although

this system is basically complete, system modifications are necessary and DEA is required to manage the data and information. Ournerit staff cannot assume this added responsibility.

V.

The expect coaltions, 1 FTE workwar, and \$217.000 are required to correct the existing staffing shortages in the Planning and Inspection program. This enhancement will provide adequate data coding, analysis, and management of DEA and Pederal-Wide statistical programs.

<u>Long-Hanna Gral</u>: Provide effective and efficient administrative support toward the achievement of the DEA mission.

Major Objectives:

- Provide effective position management and appropriate compensation of employees, including marit pay, benefits, swards, and retirement earwices.
- Guide and easist in proceeding all disciplinary actions and grievances, and establish policy and advise on performance appraisals.
- Validate personnel procedures and practices in areas of employes parformance appraisal, selection, promotion, and discipline.
- Provide necessary health services, including employee assistance on personal and behavioral problems affecting parformance and well-being.
- Manage office and special purpose space to meet various DEA requirements.
- Provide effective management in administrative areas for employees concerning relocation, procurement, and office services.

15.

P

 Recruit, staff, and manage DEA staff according to Equal Employment Opportunity regulations and procedures.

Desa Process Description

Personnal Operations: An efficient personnal program is required to recruit and bring on-board a variety of dedicated and proficient staff in order to carry cut the difficult and diversified functions inherent in DRA mission responsibilities. The need for a highly mobile force for locations in every State and over forcy countries throughout the world, adds to personnal operations problems and workload. All personnal work, other than limited clerical functions, is centralized in Mashington, D.C.

DEA personnel operations require comprehensive personnel functions in classification; pay and position management, suployee relations, sesistance and benefits; remultiment and placement; health and safety; personnel systems entomation development; and validation and analysis of personnel procedures. The office of Personnel advises and sesists management employees on personnel matters, devalops policy and provides guidence for the effective management of the workforce.

Equal Employment Opportunity: EXD programs are needed to ensure that DEA focuses on the legal and moral responsibilities in acquiring and managing its workforce in order to prevent discrimination and morale problems, to achieve equitable treatment of its employees, and the development of Affirmative Action Plans.

General Service: The General Services staff responds to all of DEA's administrative support requirement such as the following: the acquisition and utilization of space; parament change of station orders and information concentring relocation benefits and other financial details for each employee undergoing a transfer; office augulate; formal procurement contracts and requisitions; office Augulature and equipment, and DEA's motor vehicle fleet.

<u>Accomplishments and Harkland</u>: During 1988 the Administrative Barvices program accomplished the following:

o Paracrael Contactions: Provided technical assistance and advice on issues including health and safety, classification, position management, pay administration (including time and attendance), search, parformance expressed assistance standard revision, parformance-based actions (advance actions or appeals), Pederal Employee Petitrament System (FERS), validation and analysis and appraisal system connected with Separ vs. Thorachurgh requirements, and staffing requirements (recruitment, assignments, and reassignments, etc.).

Expended procedures and activities to ensure that health esseninations are completed armsily for egents over 40 and within 3 years for agents under 40. Implemented an agency-wide Drug Dedervance wine testing program, espended the Employee Assistance Program and implementat a Transatio Incidence Response Program.

5.

Completed 37 technical service trips and 253 deak audita/reviens. Newissed and classified 379 position descriptions. Newissed and certified over 200 films and Attendance Leave sadding and processed aproximately 300 requests for restoration of leave. Newificiated in approximately 46 staff visits. Implemented the new DBA Newtonnees Hempessent and Newtypition System (NRM) policy for the identification of NRM employees and their semigment to NRM.

Implemented a system to ensure the accuracy of Mortnan Compensation Programs (CMCP) charges for disability and similar payments to DMA. Resolved, through the Performance Reting Orievence Committee, 127 grievence partaining to the ennal rating ecome for GP-1811-14 promotion consideration. Proceeds more than 150 performance rating grievences.

Advertised 148 positions in 1988, of which 68 were for foreign posts. Reted 360 applications for CP-14 positions. Mired 462 special agents, 261 at the CB-7 level and 201 at the CB-9 level. Complete products, consts. and shalles in connection with Secentum. Morestone positions that

Completed projects, reports, and studies in cornection with Segar vs. Therefore requirements. These included completion of the final report, a Job Analysis and Performence Appraisal Study, and submissions to parties in the Segar vs. Thorntough suit.

Neviseed DEN's Official Personnel Polders (OFFs) to improve the maintenance of documents in OFFs.

Coordinated the development of new job elements and work plans throughout DBA.

General Macylone: Thirty-three new dementio and five new foresign offices have been opered in the past too years. The General Services program initiated 11 major actions to expand, relocate, or recordigate appear to accommodate expended staffing; initiated nine major actions to acquire or expan mon-office support space (including werehouses, evidence storage, and inclusivous) as a result of expendical operations and completed 12 actions for space acquisition, relocation, and expansion. Repended operations have doubled the demand for appear and contract action and other devalopment of the semet seisure program has increased the property function four-fold since 1966.

Improved procedures have sided in masting the increased workload demand. These procedures include automation of the contracting function; automated monitoring of facilities actions; implementation of automated stocking and distribution system for the provision of forms and augulies to field offices; and improved financial controls to properly monitor and control the increased activity in the employee relocation program associated with DEN's growth.

Equal Employment Constitutity: During 1988, the function of investigating DEA discrimination complaint oness was transferred to the EEO Staff. As a result, two additional full-time investigators were assigned to the EEO Staff to assist with the timely processing of complaints. DE continued to provide assistance in minority recruiting at arms Special Emphasis Conference. IDA also continued to provide training programs for amengers, supervisors, and employees. The EEO staff hald a seminar for DEA field Special Emphasis Program Coordinators and continues to provide advice and recommendations on all matters concerning equal employment opportunities.

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Program Changes:

DEA requests \$500.000 in program Amding, to provide resources for additional required medical examinations.

As a result of expanded arrual medical excanination requirements for laboratory paracrnal associated with potential exposure to hazardous chemicals, an increase in clandestine laboratory workload, regulatory requirements and mandatory examinations for egents and chemists, thate is a need for increased medical examinations. On a yearly hearly hearly paint, 1,300 routine physical examination packets, and 150 oversees packets are issued. Additionally, the decision to decembralise the Basic Agent traines physical examination process has added another 400 examination packets, bringing the total packets prepared to over 2,100. These demands carroot be set without additional resources.

Drug Enforcement Addinistration
Salaries and expenses
Financial Analysis - Program Changes
(Dellars in thousands)

	į	Enforcement	<u> </u>	Imeat. Pres.	1	Tesk forces	136	Intelligence	1	Services
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66 - 12	R	2,524	•	3	2	ž	8	86,3	2	į
	:	:	:	:	:	:	:	:	•	Ē
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	: !		: '		:	:	:		:	
Total positions and arruel rate	2	3	•	230	È	ž	\$, .	2	3
(.) repar	ŝ	(3,9%)	9	(189)	€	(437)	3	325	Ę	3
Other personnel compensation	=	2	-	æ	~	3	:	:	:	:
	:	::::::	:	:::::::::::::::::::::::::::::::::::::::	:	::::::	:	:::::::::::::::::::::::::::::::::::::::	:	
total workysors and personnel compensation.	ş	3,75	•	Ē	2	옻	\$	1,575	2	22
Personnel benefits	:	2	:	3	:	₹	:	3	:	\$
Travel and transportation of persons	:	3,	:	ŝ	:	<u>\$</u>	:	Ē	:	1,27
freneportetion of things	:	25	:	2	:	z	:	:	:	:
SIA rent	:	-, 305	:	:	:	Ž	:	2	:	3
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Printing and reproduction	:	-	:	:	:	-	:	~	:	:
Other services	:	2,98	:	\$:	£	:		:	Ì
Supplies and materials	:	ž	:	2	:	=	:	2	:	157
Equipment	:	\$.7£	:	\$:	2,233	:	, 8	:	2,534
lands and structures	:	:	:	:	:	:	:	:	:	:
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lotel workyears and obligations, 1990	ş	19,683	•	2,233	=	4,162	\$	7,390	2	6,39
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Brug Enforcement Administration

Saleries and expenses

Financial Analysis - Program Charges, Continued

(Dollars in thesemb)

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fotal positions and arrupal rate	•	•	•	20	~	\$	•	•	ž	11,123
(.) 9709	:	:	ĉ	3	ŧ	3	:	:	(167)	3,26
Other personnel compensation	:	:	:	:	:	:	:	:	2	ž
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Total workyears and personnel compensation.	•	•	•	5	-	*	•	•	2	6,07
Personnel benefits	:	:	:	*	:	=	:	:	•	2,2,4
Travel and transportation of persons	:	\$,0%	:	:	:	:	:	:	•	7.7
Transportation of things	:	:	:	:	:	:	:	:	•	ī
68A renk	:	:	:	3	:	2	:	:	•	2,453
Communications and utilities	:	., 8	:	=	:	-	:	:	•	¥.,
Printing and reproduction	:	:	:	:	:	:	:	:	•	±
Other services	:	92. -	:	17,473	:	=	:	\$	•	26,437
Supplies and materials	:	운	:	:	:	:	:	:	•	35,1
Equipment	:	:	:	767	:	=	:	:	•	14,079
Lands and structures	:	:	:	:	:	:	:	:	•	•
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Total workyears and obligations, 1990	•	ر 80,	~	19, 161	-	21	•	ş	?	23,744

		Program Increases	

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Domestic Enforcement	-	Domestic Enforcement	-
foreign Cooperative Investigations	~	Foreign Cooperative	~
Organized Crime Drug Enforcement	•	Intelligence	•
State & Local Task Porces	•	State & Local Task Forces	•
Diversion Control	~	ADP & Telecommications	•
Intelligence	•	DEA Laboratory Services	•
ADP & Telecommunications	~	DEA Training	~
Research, Engineering, & Technical Operations	9	Executive Direction & Control	•
Executive Direction & Control	•	Administrative Services	•
DEA Laboratory Services	2		
DEA Training	=		
Administrative Services	2	•	
State & Local Laboratory Services	2		
Records Management	=		
Barba & Land Chalains	•		

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Brug Enforcement Administration Saleries and expenses Sumery of Changes (Dotters in thousands)

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Show.

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Pora. Mork: Pos. Years

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5'9t) ···		lotal, decreases
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:	:	Monrecuring costs - special costs, tab ventilation hoods
:	:	Monrecurring costs - special costs, sircraft and related equipments
:	:	Manracurring coats . training
:	:	Monrecuring costs - background Investigations*
:	:	Nonrecurring costs - operating equipments
		Decresses
Ξ	:	Total, mardatory increases
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:	:	Retecation costs
:	:	Back pay awards.
:	:	General prising level edjustment
:	:	Distributed Administrative Support
:	:	foreign allowances.
:	:	Employee data and payrell
:	:	are printing
:	:	181 aphane service.
:	:	federal Telecomunication System (F18)
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:	:	federel Employees' Compensation Act (FECA) - Workers' Compensation
፥	:	Meetith benefits
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:	:	Special salety fates
:	;	Annualization of the 1989 pay relate
:	:	

* Howecuring costs for 221 new positions sutherized in the Anti-Orug Abuse Act of 1966.

Summary of Changes - Continued
(Dollars in thousands)

ij Program Charges:

Demostic Enforcement
Foreign Cooperative Investigation Program
State and Local Test Foreign
Intelligence.
DIA Lebratory Services.
DA Activities
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Prug Enforcement Administration
Salarios and expenses
Austification of Adjustments to Beer
(Pollers in theusents)

- Table 124

Adjustments to base:

Porm, Mart: Per, Tears Amount

(8840)

	:			
Diversion Control	95	(892,000)		
ADP/Telecommications	(32)	(221,000)		
Records Management/F01/FA	ŧ	(73,000)		
Executive Direction	3	(154,000)		
	:	******	•	
Total	£	(940'000)	-	
Transfer to and from other accounts:				

	1		4
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Mandatery Instrument	:	:	
1. Armuelisation of the Anti-brug Abuse Act of 1988	:	Ξ	84,78
Approved Avnatization 1999 increase Reguland	s :		
Arrust solary rate of 221 approved positions			
Medical empensation 6,177 Associated employee benefits Peferral personnel related analyse costs. 5,256			
Total costs subject to errusifization			
2. 1989 full-year pay increase impact on 1990	:===	:	***
3. Special Salary kates	:	:	£
4. Within-grade increase (MSI). This request provides for an expected increase in costs as a result of within-grade increases. [This increase is generally consistent with increases apprianced within recent years and is appreximantly one percent above the base for companiation and related benefits for premiument posts. (Personnel companiation and related benefits for premiument posts (Personnel companiation and existed benefits at 15th (MOD).) This increase is based on a	:	:	, ž

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a E	×	3,716	\$	46.7
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:	:	:	:	÷
5. Health Benefits	6. Federal Exployees' Compensation Act (FECA) - Workers' Compensation	7. GSA Ment Gonificate to charge rental rates that approximate those charged to commercial termine for equivalent space and related services. A mandatory increase of \$3,716,000 is required to meet our commitment to GSA.	8. GRA recurring relaburable services	9, Federal Telecommunication System (FIS)

	The Department is replacing an absolute, insfluctive, and expansive Centrax telephone system with a state-of-the-art, high-performance, and cost offsetive digital telephone system in the Washington even. Costs for leased Centrax lines and their associated treif retains have standity increased since 1970. The current system provides the Department with little central over telecommulcations costs. After five year, the Department will som this andem telephone system and it will significantly improve the Department's communication capabilities and will provide the management tools needed to distinct and and animals potential waste and above of the telephone system. Newery, it will also require a substantial increase in the per-line rate to cover higher operating approve for the first five year, Bayrand five years, why maintenance costs will be required. It is estimated that the line rate will be increased from \$24,28 per line per manch to \$45,43 per manch in 1990. The cost to this expanization is	i .	:	
-	spe, out. 11. APO printing costs	:	:	:
	Controlling employee date and pervols services are provided to all departmental organizations asset the federal Burson of Investigation. Charges for those services, which include information system, an intensive and pervoll accessful, are bead on the number of employee records maintained. The rate of 817-38 per record for 1990. The charge is bead on the articipated uncentrollable coult have been of 6 percent for 1990. The charge is bead on the articipated uncentrollable coult have been of 6 percent for the operation of the Justice Reployee Date service. An increase of 640,000 will be required in 1990.	:	•	3
	Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The DOS anticipates a 10 percent increase in 1990. The requested increase of 8726,000 provides 10 percent mare than the 87,260,000 budgeted for 1999.	;	:	ž
	16. Distributed Administrative Eugport	÷	:	£,72

189(0) = 1

95,920

%		1 35,997		(969)		(49)	(13,185)				:::::::::::::::::::::::::::::::::::::::	(18,554)	:::::::::::::::::::::::::::::::::::::::	(32,013)	
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:	:			:	:	:	:	:	:	:	:	:	:	(82)	
16. Beck Pay Awards (Larahlert vo. Normer - U.S. Court of Appeals). This U.S. Court of Appeals decision provides revised overtime pay entitlements for certain graups or exployees under the Fair Labor Standards Act (TLRA). One determined that the following three additional groups of exployees that receive componentian for overtime are the actions against basis be included. (1) near-fire-fighters in receipt of premiums pay for standay di : (2) those aligible for administrativaly uncentroliable overtime prements) (3) those receiving pay for regularly echeckied overtime.	17. PCS. Resources required to offest incressed personnel relocation costs	Total, mandatory Increased.	Decreeses	1. Norrecurring costs - operating equipment*	2. Nonrecuring costs - background investigations	3. Norrecuring costs - training*	4. Norrecuring costs - special costs, aircraft and related equipments	5. Nonrecuring costs - special costs, lab vantilation hoods*	6. Nonrecurring costs - special costs, ADP equipment and software"	7. federal Exployees' Compensation Act (FECA) - Unamployment Compensation		Total, decresses		Total, adjustments to base	* Reduction for operating equipment, beckground investigations, training, and special costs represent

* Reduction for operating equipment, beckground investigations, training, and special costs represent the nonrecurring costs associated with 221 new positions euthorized in the Anti-Orug Abuse Act of 1988.

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Prug Enforcement Administration
Salaries and aspunses

Damery of Beguirements by Grade and Object Class
(Deliare in thousands)

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Numery of Bequirements by Grade and Object Cleas, Consinued (Bollers in thewards)

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Annual training about	Positions &	Positions & Amond		Positions & Amend		-	Positions & Positions &	

Other than permanents								
Part-time permanent		353	2	212	2	512	:	:
Temporary employment	R	0.89,	2	926	2	ş	:	:
Other part-time and intermittent employment	•	137	2	3	2	95 7	:	:
Other personnel compensations								
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Drug Enforcement Administration

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Drug Enforcement Administration Salaries and expenses Justification of Multi-Activity Program Changes (Dollars in thousands)

Item of decrease: Management and Productivity Savings

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Pers.	(30)	(34)	•		(86)
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To develop more efficient operations, DEA has identified for privatization the following activities: pharmacist registration, field data entry, computer programming, file management, and accounting functions. These savings will not directly affect investigative activities.

And the second of the second o

OPENING STATEMENT

Mr. Lawn. Thank you very much.

I have a complete statement for the record, and now I would like to summarize our budget request if I may.

Mr. ALEXANDER. Sure.

Mr. Lawn. I'm pleased to appear before this committee again in order to seek support for the Fiscal Year 1990 budget request for

the Drug Enforcement Administration.

In total, for 1990 DEA requests 5,409 positions, of which 2,513 will be special agent positions, 5,124 workyears, and \$551.2 million in order to carry out our drug enforcement responsibilities. This request includes program enhancements of 834 positions, including 164 special agents, 167 workyears, and an increase of \$68.7 million.

DEA's enhancement request centers around four major funding initiatives, derived from our 1990 strategic plan. The first of these is to expand and formalize DEA's foreign drug suppression programs. DEA requests 157 positions, 78 workyears, and \$22.8 million to staff foreign special enforcement operations, such as operation SNOWCAP in South America, and to expand DEA's overseas presence by opening or expanding five foreign offices through the For-

eign Cooperative Investigations Program.

The majority of DEA's operational initiatives overseas are implemented on a temporary duty basis through special enforcement operations. In the past, agents have been diverted from regular domestic enforcement operations to staff these foreign special enforcement operations, creating a strain on the capabilities of our domestic offices. This request will alleviate the strain on the domestic law enforcement program. Considering that all of the cocaine and heroin, and most of the marijuana consumed in the United States originates from foreign countries, international drug control is an area of primary concern. Consequently, DEA's foreign suppression and enforcement efforts targeting the supply of cocaine and heroin at the source are crucial to the overall success of the Federal drug strategy.

The second initiative is to formalize a national narcotics intelligence system. DEA requests 97 positions, 49 workyears, and \$8.4 million to provide a comprehensive enhancement to DEA's intelli-

gence program.

Last year, DEA requested resources to expand the El Paso Intelligence Center (EPIC) into a tactical all source intelligence center as directed by the National Drug Policy Board. DEA applied \$4.7 million of the \$30 million provided by the Anti-Drug Abuse Act of 1988 towards expanding EPIC, which will enable EPIC to provide more timely and actionable tactical intelligence to the law enforcement agencies throughout the country. On Wednesday of last week, we dedicated the new facility at EPIC, and named it for Special Agent Kiki Camarena, who as you recall was killed in Guadalajara, Mexico four years ago this month.

The 1990 request seeks to improve our intelligence capabilities to enable us to respond to strategic intelligence requirements emanating from DEA's designation as the lead agency for drug intelli-

gence.

The third initiative is to immobilize major traffickers and their trafficking organizations by enhancing DEA's domestic operations in major trafficking areas. This initiative contains 72 positions, 36 workyears, and \$15.7 million to improve DEA's specialized programs aimed at destroying the most significant drug trafficking organizations. Resources requested for specialized programs include 27 positions and \$4.2 million for DEA's State and Local Task Force program, 25 positions and \$2.5 million for DEA's asset removal teams, and \$600,000 for domestic clandestine laboratory initiatives.

The fourth and final initiative is to expand DEA's support services in key areas of shortage. This initiative will provide eight positions, four workyears, and \$21.9 million for improved information services, necessary laboratory expansion, statistics programs, and

DEA's health program.

As you know, the magnitude of the Nation's drug problem has led to significant resource increases for DEA over the past several years. However, not all support programs have received sufficient increases to allow them to keep pace with the requirements for services. This request seeks to address the resulting shortages in those key areas.

ACCOMPLISHMENTS

Concerning what has been accomplished, although we do not assume that investments in DEA alone will solve the problems of drug trafficking and abuse, DEA has a leadership role in the overall federal strategy. DEA arrested a record number of 23,972 individuals in 1988. Of these, over 17,000 were arrested in major cases, designated as Class I and Class II cases. Between 1987 and 1988, cocaine removals increased by 49 percent. Heroin removals increased by 108 percent. We are currently focusing more attention on the domestic production of illegal drugs, primarily methamphetamine production; this resulted in an increase in clandestine laboratory seizures from 682 in 1987 to 810 in 1988. Finally, DEA's heightened focus on financial investigations resulted in asset seizures, in 1988, valued in excess of \$657 million, more than \$150 million above DEA's 1988 appropriation. DEA was the originating investigative agency for \$78.6 million in cash and property seized and shared in 1988 with State and local governments.

We are confident that we are making some progress in this war on drugs. Our agents are a highly motivated and skilled cadre of dedicated professionals. They risk their lives on a daily basis in this fight. As recently as 36 hours ago we lost one of our agents in

New York City.

The resources in this request will assist us in executing our drug law enforcement mission. The resources requested will enable DEA to continue the progress in the directions charted during 1988, and to create programs that represent new approaches to fighting the drug trafficking problem. Despite the magnitude of the problem, this request for limited additional resources can have an impact.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Lawn and the biography of Richard Kay follow:]

DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF THE ADMINISTRATOR
JOHN C. LAWN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the subcommittee:

I am pleased to appear before you today in support of the Drug Enforcement Administration's budget request for fiscal year 1990.

As you are aware, drug abuse, drug trafficking, and drugrelated crime touch us all. We in Washington became front-row spectators to this tragic truth during 1988 when our own nation's capital achieved the dubious distinction of having the highest per capita murder rate in the country. Officials have linked this murder-per-day phenomena principally to drugs.

The magnitude of this national problem has strengthened our national commitment to reduce the supply of and demand for illicit drugs. This is evidenced most recently by the enactment of the Anti-Drug Abuse Act of 1988. I would like to thank the Congress for the many initiatives contained in this legislation that will further foster our efforts.

I must emphasize, however, that although enhanced authority will be very helpful in the drug control effort, an enhancement

of resources is equally important if we are to accomplish our mission. We have opportunities that could result in significant advances in our anti-drug efforts; however, we need the additional resources to take advantage of these opportunities. We must show that we expect no more of other nations than we do of ourselves -- that we in the United States follow the lead of our President in reducing the drug problem in our country.

Therefore, I hope you will keep the resource issue at the forefront of your legislative agenda for 1990 and, at the same time, will consider the strategy for achieving our mission as outlined in the President's budget currently before Congress.

The resources requested in this budget will allow DEA not only to maintain our impetus, but also to improve upon past performances. The request itself has undergone close scrutiny. It is derived from the agency-wide strategic planning process and reflects the policy and resources required to respond to the challenges confronting drug law enforcement today. Resources requested in 1990 focus on our foreign drug suppression programs, our strategic and operational intelligence capabilities, key domestic initiatives to bolster State and local task forces and our Asset Removal Teams, and support services such as automated data processing.

1126

1990 BUDGET REQUEST

In total, DEA's 1990 budget requests 5,409 positions (of which 2,513 are special agents), 5,124 workyears, and \$551.2 million in order to carry out its drug law enforcement responsibilities. This request includes program enhancements of 334 positions (164 special agents), 167 workyears, and \$68.7 million.

However, in comparing the 2990 budget request to the 1989 enacted level, the net result is a reduction of 487 positions and 537 workyears, and an increase of only \$16.7 million. These reductions (which total 821 positions, 815 workyears, and \$70.0 million) result from the transfer of all Organized Crime Drug Enforcement resources (762 positions, 749 workyears, and \$68.4 million) to the Department of Justice "Organized Crime Drug Enforcement" appropriation, as well as reductions for the transfer of seven workyears and \$550,000 to the Office of Inspector General, and a decrease of 59 positions, 59 workyears, and \$540,000 for management and productivity improvement savings (the A-76 program). Because the majority of the reduction is associated with the Organized Crime Drug Enforcement Task Force program and will be returned to DEA on a reimbursable basis, no reduction in investigative activity will result.

1127

FOREIGN DRUG SUPPRESSION

DEA's enhancement request centers around four major funding initiatives, derived from our 1990 strategic plan. The first is to expand and formalize DEA's foreign drug suppression programs. DEA requests 157 positions, 78 workyears, and \$22.8 million to staff foreign special enforcement operations (such as Operation SNOWCAP) and to expand DEA's overseas presence in five countries through the Foreign Cooperative Investigations Program.

The majority of DEA's operational initiatives overseas are implemented on a temporary duty basis through special unforcement operations. In the past, agents have been diverted from regular domestic operations to staff foreign special enforcement operations, creating a strain on the capabilities of domestic offices. This request will alleviate the strain on the domestic enforcement program. In addition, by expanding DEA's overseas offices, DEA will also lay the foundation for future operations.

Considering that all of the cocaine and heroin, and most of the marijuana consumed in the United States originates from foreign countries, international drug control is an area of primary concern. Consequently, DEA's foreign suppression and enforcement efforts targeting the supply of cocaine and heroin at the source are crucial to the overall success of the federal drug strategy.

INTELLIGENCE

The second initiative is to formalize a national narcotics intelligence system. DEA requests 97 positions, 49 workyears, and \$8.4 million to provide a comprehensive enhancement to DEA's intelligence program.

Last year, DEA requested resources to expand the El Paso Intelligence Center into a tactical all source intelligence center as directed by the National Drug Policy Board. DEA applied \$4.7 million of the \$30 million provided by the Anti-Drug Abuse Act of 1988 towards expanding EPIC which will enable EPIC to provide more timely and actionable tactical intelligence to law enforcement agencies throughout the country. We dedicated our new EPIC facility at Fort Bliss in February 1989.

The 1990 request seeks to improve our intelligence capabilities to enable us to respond to strategic intelligence requirements emanating from DEA's designation as the lead agency for drug intelligence. Such strategic intelligence requirements include comprehensive data on drug trafficking and production (both domestically and abroad) and on drug consumption. The request also will enable us to provide adequate financial and

operational intelligence to support DEA's current investigative workforce. With these improved intelligence capabilities, DEA will be able to assist federal policy makers in determining the most effective allocation of scarce resources, and to help investigators in maximizing the full potential of criminal cases.

DOMESTIC ENFORCEMENT

The third initiative is to immobilize major traffickers and their trafficking organizations by enhancing DEA's domestic operations in major trafficking areas. This initiative contains 72 positions, 36 workyears, and \$15.7 million to improve DEA's specialized programs aimed at destroying the most significant drug trafficking organizations. Resources requested for specialized programs include 27 positions and \$4.2 million for DEA's State and Local Task Force program, 25 positions and \$2.5 million for DEA's asset removal teams, and \$600,000 for domestic clandestine laboratory initiatives.

Also included in this initiative is funding to enhance the investigative support infrastructure that impacts on the safety, effectiveness, and efficiency of all of DEA's operations. These enhancements include \$975,000 for firearms equipment, \$4 million for increased in-service, international, and state and local

training, additional chemist support, and replacement—laboratory equipment.

SUPPORT SERVICES

The fourth and final initiative is to expand DEA's support services in key areas of shortage. This initiative will provide eight positions, four workyears, and \$21.9 million for improved information services, necessary laboratory expansion, statistics programs, and DEA's health program. As you know, the magnitude of the nation's drug problem has led to significant resource increases for DEA over the past several years. However, not all support programs have received sufficient increases to allow them to keep pace with the requirements for services. This request seeks to address the resulting shortages in key areas of need.

ACCOMPLISHMENTS

Although we do not assume that investments in DEA alone will solve the problems of drug trafficking and abuse, DEA has a leadership role in the overall federal drug strategy.

Investigative efforts by DEA have resulted in dramatic increases in arrests, drug seizures, and asset seizures and forfeitures.

DEA arrested a record 23,972 individuals in 1988. Of these,

17,026 were arrested in major cases—Class I and Class II.

Between 1987 and 1988, cocaine removals increased 49 percent and heroin removals increased 108 percent. We are focusing more attention on the domestic production of illicit drugs, primarily methamphetamine production; this resulted in an increase in clandestine laboratory seizures, from 682 in 1987 to 810 in 1988. And finally, DEA's heightened focus on financial investigations resulted in asset seizures in 1988 valued in excess of \$657 million, more than \$150 million above DEA's 1988 appropriation. DEA was the originating investigative agency for \$78.6 million in cash and property shared in 1988 with State and local governments. By any measure of productivity, DEA's accomplishments have been highly significant.

The resources in this request will result in increased statistical accomplishments. But DEA's activities cannot be measured by statistics alone.

In 1988, DEA continued its active participation in
National Drug Policy Board activities. As the lead federal
agency responsible for drug investigations and drug intelligence,
DEA led efforts to develop national strategies and implementation
plans in these areas. By its participation in the numerous
committees and subcommittees of the Policy Board, DEA
coordinated with other agencies on issues ranging from drug law
enforcement-related science and technology issues to demand

reduction strategies. We expect this valuable cooperation to continue under the leadership of the Director of the newly created Office of National Drug Control Policy.

The year 1988 was also a landmark year in terms of international narcotics achievements. Perhaps the most significant activity, and eventually the most far-reaching, took place December 21 in Vienna, Austria, when 43 nations signed a United Nations international convention against illicit drug trafficking and drug abuse. Sixty-three other nations adopted the convention by consensus. In addition, the United States has negotiated an agreement with the Soviet Union for the exchange of information in fighting drug trafficking. The People's Republic of China provided excellent cooperation in crushing a major heroin-smuggling ring, with arrests occurring in both China and the United States. In South America, our continuing major action confronting the cocaine cartels, Operation SNOWCAP, is growing in effectiveness to a degree that is demonstrated by the vehemence of the reactions toward our presence. This past summer's highly successful International Drug Enforcement Conference Initiative demonstrated to the world the tremendous effectiveness of 30 nations working together in simultaneous and cross-border operations against drug trafficking. The seventh IDEC, hosted by the United States, will be held in Miami this April.

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We are confident that we are making progress in the war on drugs. Our agents are a highly motivated and skilled cadre of dedicated professionals. They risk their lives on a daily basis in the fight against drug trafficking and abuse. The resources in this request will assist them in executing our drug law enforcement mission. The resources requested will enable DEA to continue the progress in the directions charted during 1988, and to create programs that represent new approaches to fighting the drug trafficking problem. Despite the magnitude of the problem, this request for limited additional resources can have an impact.

Mr. Chairman, I appreciate this opportunity to discuss DEA's budget request. I will be pleased to answer any questions you may have.

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BIOGRAPHY

RICHARD KAY

As of November 6, 1988, Richard Ray became the Drug Enforcement Administration's (DEA) Controller. Prior to that, he was DEA's Chief of Accounting from 1985 to November 1988. From 1984 to 1985 he was Chief of Accounting Operations. He was an auditor in DEA's Office of Inspection from 1982 to 1984. Prior to his transfer to the Washington, D.C. DEA Headquarters, he served as Director of Hanagument Services in DEA's Regional Headquarters in Los Angeles, California from 1978 to 1982. He served with the United States Marshals Service in 1975 to 1978. He was the Administrative Officer in the Law Enforcement Assistance Administration's (LEAA) Regional Office in Sen Francisco, California from 1973 to 1975. He worked for the Architectural Design Firm of Irving Caster Associates in San Hatso, California from 1961 to 1973.

Richard Kay was born in Pendleton, Oregon on December 9, 1941. He graduated from Pendleton Senior High School. He obtained a B.A. Degree from California State University, at San Francisco in 1972.

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ANTI-DRUG ABUSE ACT OF 1988

Mr. Smith. Mr. Lawn, in the last ten years you've had, I don't know how many different changes in Federal organizations. You were an independent agency, and now you're under Justice Department, under the table of organization you're supposedly reporting to FBI, but I understand that's kind of a loose arrangement that hasn't been worked out. Now we have this new big drug bill that was passed and I think the members of this subcommittee have noticed over the years, it doesn't make much difference what table of organization you have, what you have to have is resources for each group, and then work it out.

But my question is this. What fundamental change, or what real change is there in your operation this year as a result of that drug

Mr. LAWN. As a result of the drug bill last year, we for the first time will be in a position to do something about the chemicals going into South America, U.S. chemicals which in fact are the chemicals used by trafficking organizations in South America to produce the cocaine that we consume.

Mr. Smith. Now, explain that sentence a little bit. Mr. Lawn. Yes, sir.

Coca cultivation predominantly centers in three areas, Bolivia, Colombia and Peru. The coca in being converted into cocaine hydrochloride needs to go through chemical processes. The chemicals used in those processes are predominantly chemicals that are manufactured in the United States, which are exported from the United States to these coca producing countries.

CHEMICAL EXPORT RESTRICTIONS

Mr. Smith. Under the drug bill, what can you now do that you couldn't do before with regard to those chemicals?

Mr. LAWN. With the new bill the chemical companies are now required to maintain records and to make those records available to DEA for review so that we can determine those individuals who are not legitimate users of the chemicals. We can then prosecute these individuals. The chemical control legislation is something that has been sorely needed for a great many years.

Mr. Smith. Have they refused to let you have access to those

Mr. LAWN. The major companies, sir, were very helpful with voluntary compliance. Many companies, however, especially those companies about whom we had some concerns would not make records available. Each time I visited the predominant source countries and met with either President Garcia of Peru or President Paz of Bolivia, they would tell me about the losses they were sustaining and they would ask, when the United States was going to do something about the U.S. chemicals that are involved in the processing of cocaine.

You have now given us the tool to do something, to stand up and look those Presidents in the eye and let them we know we are seri-

ous about this.

Mr. Smith. What have you done about that? Have you communicated with the chemical companies?

Mr. Lawn. Yes, sir, we have. We had a meeting with the major chemical companies in December in Philadelphia. We will have a second meeting. We have iroued out the recordkeeping procedures, designed to create a minimum of problems for the chemical companies, which will facilitate the work we have to do. At the same time we have put a task force together so that we can proceed with what the bill has asked us to do.

Mr. SMITH. Now, will this just result in the chemical business

going to some other country?

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Mr. LAWN. Yes, sir. I would say that those countries that are unable to get chemicals from the United States will reach elsewhere for those chemicals. However, in December of 1988, Attorney General Thornburgh and I traveled to Vienna to sign the new United Nation's International Convention with 110 countries. Each of the signatories of that convention will be going back to their countries to do something about the chemicals either produced or shipped through their countries. So there is reason, in the long term, to have hope that we can do something about chemicals going into clandestine laboratories in the United States and in the foreign countries.

FUNDAMENTAL CHANGES DUE TO THE ANTI-DRUG ABUSE ACT OF 1988

Mr. Smith. What other changes are there as a result of the drug bill?

Mr. LAWN. In addition, we have additional funding for the new El Paso Intelligence Center. Additional funding was provided for enhancing EPIC's data analysis and dissemination capabilities, so that EPIC could progress with the times.

that EPIC could progress with the times.

Mr. Smith. Well, that was going to be done whether that law passed or not, to the extent we had money. But, I mean, as a result

of fundamental part of the law.

Mr. LAWN. We received additional moneys for aircraft to be used in our South American initiative, and the death penalty is some-

thing that I believe will help us.

Mr. Smith. So, the two things then that helped you are the death penalty and the ability to trace chemicals, which may or may not help you. In the long run, what you really need is additional resources?

Mr. Lawn. Yes, sir, and we are asking for those.

Mr. Smrth. That's what you needed before the law passed, and

that's what you still need-resources?

Mr. LAWN. Yes, sir. As you know, with the law \$76 million was approved for DEA. We actually received \$30 million, so we were able to implement the program enhancements we felt were required before the bill passed.

TRAINING NEEDS

Mr. Smith. It's very difficult for this subcommittee, because everybody likes to talk about enhanced drug enforcement, but they don't want to give us the budget allocation we need for additional resources. If we can get more resources this year, your people are going to need more training. How many different types of training do you have to have?

Mr. LAWN. Well, sir, training has been a major problem for us, because with the enhancements that the Congress has given us since 1981, 50 percent of our workforce has less than five years, experience. It's imperative that those young agents be given additional training in areas such as personal safety, money laundering, and forfeiture of assets. One of the things we've tried to do in our national drug law enforcement strategy is to take the money away from traffickers. Last year we seized \$657 million from trafficking organizations, \$150 million more than our budget. But that takes special training. We have been unable to do a sufficient amount of that special training.

Mr. Smith. Well, my question is, you've trained some at Quan-

tico, right? Mr. Lawn. Yes, sir.

Mr. Smith. Does that work out pretty well?

Mr. LAWN. Yes, sir. New agent training at Quantico works effectively, but there is not enough room at Quantico to do the rest of this special training.

Mr. Smith. Well, that's the follow-on question, then there will have to be more room at Quantico or more training facilities else-

where for that type of training?
Mr. Lawn. Yes, sir, indeed there will. I have a request to the Attorney General for his support in seeking a facility, perhaps an abandoned military base so that we can do this special training. And we can finally resume State and local training. DEA is the training resource for State and local governments in drug law enforcement. Unfortunately, we have been unable to provide the magnitude of training and the quality of training that our State and local counterparts require.

Mr. Smith. How many different types of training do you have? Mr. LAWN. We have clandestine laboratory training. We will do that in various parts of the country. Clandestine lab training is absolutely critical, because even if we could miraculously, stop all the cocaine, heroin, and marijuana from entering into the country, by using the military, as everyone asks, the clandestine laboratories in the United States could still produce enough drugs to satisfy every appetite. This clandestine lab training is critically important. The clandestine labs are volatile. The training requires special equip-

ment, the funding for which we are asking to provide.

FACILITIES FOR LABORATORY TRAINING

Mr. Smith. Now, where are you training for that?

Mr. LAWN. That training is ongoing primarily in California. We use the State facilities in the State of California.

Mr. Smith. Are facilities available to you so you could increase

the amount of training in that?

Mr. LAWN. Yes, sir, there are. In addition, there is adequate space available at Fort McClellen in Alabama, which is the Chemical Warfare School for the military. They have been very anxious to provide training for us.

Mr. Smith. That's good. What other types of training, then, do

you do?

Mr. LAWN. Asset training, basic survival training.

Mr. Smith. Are there facilities available so that you can train more new personnel in these various fields, other than Quantico? You said Quantico does not have enough space.

Mr. Lawn. At the current time, sir, if we can do the training we would rent rooms at hotels to conduct the classes.
Mr. Smith. I see. You don't need any special facilities?

Mr. LAWN. Ideally we do, but since there are none available, we do it as best we can, wherever we can accomplish it.

Mr. Smith. But you are looking at surplus Army facilities?

Mr. LAWN. Yes, sir. We've looked extensively. We've identified several areas that the military is very anxious to turn over to us, but that's ongoing.

RELATIONSHIP WITH FBI

Mr. Smith. Now, we asked the FBI about this table of organization where you report to the FBI, and which I understand has never been really formalized. Do you have a good working relationship with the FBI? Is there any problem with your table of organization?

Mr. LAWN. No, sir. The problem is that 28 CFR says that policy coordination of DEA will be through the Director of the FBI. I do not run any of my enforcement initiatives or any of my strategic plans through the Director of the FBI. If I am looking at changing a policy or policy direction in DEA, I will discuss that with the Director of the FBI. Both Director Sessions and I have communicated with the Attorney General, in December of last year, that we would like clarification on the reporting requirements because they are, at this point, very vague.

Mr. Smith. So far you have not had any problem there, you have

worked everything out?

Mr. LAWN. Yes, sir. Director Sessions and I have been personal friends for a long time. We've exchanged supervisors. We are doing a very professional job and getting along.

SUPPLY/DEMAND REDUCTION

Mr. Smith. I don't know if you're in a position to comment or not, but the judgment was made around here last fall that 50 percent of the drug funding should be spent on supply reduction, and 50 percent on demand reduction. That would be a substantial change from what we've done before. Do you have any opinions on that?

Mr. LAWN. Yes, sir. I think that spending a predominant amount of resources on supply alone is not going to solve the problem. We have 42 States with overcrowded prisons, and if we had doubled the resources it would require twice the number of prisons. As I mentioned in 1984, that's not going to solve the drug problem. We must have a balance between supply reduction and demand reduction.

Mr. Smith. Well, do you have some opinion as to what kind of additional expenditures can be made on the demand side that

would produce results?

Mr. LAWN. Yes, sir. It is not my area of expertise, but I certainly believe that considerably more funding should go into the education and prevention side.

Mr. Smith. What kind of education?

Mr. Lawn. Education in the primary schools, education in the secondary schools; we have seen how effective that can be. The most recent high school survey shows that for the second year co-caine use among our youngsters who stay in school has decreased, marijuana use has decreased for the ninth year in a row. The problem we're now facing is the young people who drop out of school.

DRUG EDUCATION

Mr. Smith. I realize it's not your field, but do you have an opinion on what kind of education would be most effective?

Mr. Lawn. Yes, sir, I do.

In 1984, because there was no direction in demand reduction, we began a demand reduction program in DEA, unfunded, using our law enforcement personnel. We reached out to educators, and began working with educators. I think we have identified some

very effective education programs for the schools.

Mr. SMITH. What are they? What are some of the effective ones? Mr. LAWN. There was a program initiated in the Hillsboro School District in Florida. It was a program sponsored by an organization called the Mendez Foundation. The woman who put that program together was Mrs. B.J. McConnell. B.J. is currently an employee of the Justice Department, and travels around the country at the request of the U.S. Attorneys to initiate training for younger children. She teaches drug identification in the schools beginning at the fifth grade level. This is a particularly good program.

Mr. Smith. In other words, identifying which students are al-

ready on drugs, is that what you're talking about?

Mr. LAWN. No, sir. Giving the drug education training to all students, so that all students are aware.

Mr. SMITH. What kind of education, educating them to the dan-

gers of drugs, or what?

Mr. Lawn. Educating them first as to the identification of drugs. When youngsters, and all of us I guess, think of drugs, we think of marijuana, heroin and cocaine. We don't recognize that half of the emergency room visits in this country are for drug overdoses of licit drugs, such as valium and other drugs that we as adults take. The program identifies for youngsters all types of drugs, stressing that this pill that you see that your mother takes can do the following things if you take it. I've gone into the classrooms in the Hillsboro School District and Mrs. McConnell will hold up a picture of a pill. The child will identify it, go through what's in the pill, and what the dangers are of that pill. That will, I think, in the long term enable a youngster to say no with authority when offered something like that, because he or she will recognize that this is a pill that is dangerous. They do it in a game—like sequence, but it is effective.

Mr. Smith. Why don't you take a little time and expand on this, because I can see what's coming? If there's additional money available and the general topic is education, a lot of it may not go into education that relates to drugs. Everybody will want to get in there and get some of it, you know. I wish that you would expand for the

record the examples you know of, or what you've seen that indicates that certain particular types of education would be most pro-

ductive.

Mr. LAWN. Yes, sir. If I may, Mr. Chairman, I would like to furnish to the committee the background material that has been developed that we share with States around the country. I will get the packet of material to the Committee.

[The information is on file with the Committee.]

Mr. Smrth. That would be fine.

Mr. Alexander?

DRUG ABUSE PROGRAM

Mr. ALEXANDER. Thank you, Mr. Chairman. Welcome, Mr. Lawn. I would first like to congratulate you and DEA for a superb job.

Mr. Lawn. Thank you.

Mr. ALEXANDER. I have been following the drug abuse problem a long time. Like other members of Congress, I've probably been too busy with other things, because it prevented me from learning about it. So last January, I decided to spend some time learning about it, and with the cooperation of DEA I went to the Islands and to Miami, described as Elephant Country. If you want to hunt elephants you go to the Elephant Country and if you want to find drug traffic, you go to Miami, which has the dubious honor of being the Cocaine Capitol of the United States.

I'm very impressed with your agents there. I'd like to commend all of them, Tom Cash and company. I spent some time, as well, with your joint task force, the Florida Joint Task Force, which is a combination of several coordinated several agencies. I would commend this kind of exposure to other Members of Congress, if

they've not seen what drug enforcement agents do.
I've been on surveillance with them. While my exposure is limited, it is revealing because all Members have exposure to the problem in their various districts. You cannot go to a junior high school in the First Congressional District of Arkansas without encountering the drug problem. It is an epidemic in my district, and I would presume it is in other areas as well. I don't think we have to declare martial law like the District of Columbia, it's gotten so bad here. But it may reach that point, because to follow the experience of the drug problem in other countries, we've seen that the drug traffickers have taken over other countries. Those governments have been compromised in many and various ways.

So it is a serious problem and I intend to devote more time to it.

We can talk further about where to go from here.

Mr. Lawn. Yes, sir.

GENERAL COMMENTS

Mr. ALEXANDER. Let me just outline a couple things if I might

for the record in order to let my thoughts be on the record.

First of all, you said, but you didn't say it loud enough, that DEA seized and confiscated more money, or more drugs that were converted to money, the value of which was more than the Congress appropriated for your entire agency.

Mr. Lawn. Yes, sir.

Mr. ALEXANDER. I believe that's the only agency in the Federal Government that operates at less than what it cost it to run. A lot of Members don't know that, and don't know that you're actually providing more revenues to your agency through confiscation than it costs to run it. Still you need more money in order to do the

things you need to do.

I intend to support your proposals here. I want to get to that in just a minute. But, first let me say that in my view we have a problem in the country in that there are so many agencies, I believe there are 41 Federal agencies, plus some State agencies, that are involved in the anti-drug war. What is needed, I believe, is a national comprehensive commitment by our Country that puts the resources with our rhetoric, puts action with our words. We have a lot of statements that everybody supports stopping the drug problem in America, but it seems that those statements are hollow, and they are empty when it comes time to appropriate the additional funds that are needed to start up these new programs that you've talked about.

You alluded to it and I will say it, because we're on different sides of the table here. We also need a foreign policy that's compatible with our domestic anti-drug policy. Far too often I have discovered that the United States, through our foreign policy is embracing drug trafficking in foreign countries, or by foreign leaders, in that we are somewhat, through diplomacy and other ways, protecting those leaders. The corruption in foreign countries is conspicuous. It's time to get that out on the table and let other people see it. We know about corruption in the Mexican government. We know about it in the various other Latin American governments, whose officers, both political and military, are involved in drug trafficking. Through our own secrecies in this Country, we are protecting those people through the CIA, maybe through the Justice Department, the State Department. I intend to do that to the extent that it's productive. Sometimes these things are not productive, and you don't want to start a war with an ally unless it's productive. It might be productive to do so. I don't prejudge it.

tive, and you don't want to start a war with an ally unless it's productive. It might be productive to do so. I don't prejudge it.

Secondly, we need more coordination. All of the agents that I came in contact with, or virtually all of them, and especially in agencies other than DEA, confessed to frustration because of the lack of coordination. I found one situation down in the Islands where the Navy could not talk with the Coast Guard because they had different frequencies on their radios. That's inexcusable. It's not your job to see that they have the same wave length, but it's our job in Congress to try to encourage coordination where they can at least talk to one another to apprehend suspects when both of them are chasing them, but they're going in opposite directions.

We need more agents and more resources for training, for U.S. Attorneys, for judges and for jails, for prison space. If we're going to get serious about drug enforcement in this Country, we've got to provide more resources.

ORGANIZED CRIME DRUG ENFORCEMENT

Now going directly to some of the problems involved. I notice in your budget that you have submitted, that there is a provision for

the transfer of some \$68 million to an Organized Crime Drug Enforcement division. I understand that Section 1055 of the Anti-Drug Abuse Act of 1988 was used as a basis for that. Mr. Lawn, my impression is that this is a depletion of your resources. Is that a cor-

rect analysis of the request?

Mr. Lawn. In one sense, yes, sir. We contribute about 80 percent of the resources and we are involved in 80 percent of the Organized Crime Drug Enforcement Task Force cases. The \$68 million that will be taken from the budget, if not fully restored to DEA, could certainly have a severe impact upon our operation. We are expecting that the \$68 million will be returned, because 75 percent of our budget goes into operating costs, and if that money is not restored, it would reduce our current capabilities, which are already limited, by about 20 percent.

Mr. ALEXANDER. So in other words, you're saying that the Organized Crime Drug Enforcement appropriation is important and we should fund that, but they shouldn't deplete the DEA program to

Mr. Lawn. Yes, sir, we need to be reimbursed with appropriated

Mr. ALEXANDER. In effect, what the budget proposes is a cut in DEA which would be used to fund another law enforcement initiative which is under the name of Organized Crime Drug Enforce-

ment. That's in effect what we're doing here?

Mr. LAWN. Yes, sir, with a promise that the money will be coming to us. I hope that's not one of those, "the check is in the

mail" situations.

DRUG INTERDICTION

Mr. Alexander. Well, if we're going to put our money where our mouth is in this Country, we've got to stop cutting these programs and start increasing them in ways that are effective.

I have some other questions that I would submit just for the record on that subject. I have one more question that I'd like to

ask, if I may.

Everyone supports all initiatives that are effective. There's a great deal of discussion about the capability of our Country to seal off our borders. There are some 83,000 or 84,000 miles of borders, and there's this fiction that we use as a presumption sometimes in Congress, to say, let's seal off these borders, and stop drugs. What

is your view, based on your experience, of our capacity to do that?

Mr. LAWN. I think if we are depending upon the closing of our borders for the halting of the importation of illicit drugs, we've already lost the war. That is the last line of resistance. Greater effort must be expended in the source countries and in the countries through which drugs transit. It is virtually impossible to seal off the borders. Many of the major seizures we have seen recently have entered the United States in containerized cargo, have entered sealed in chocolate, or have entered in the hollowed out portions of doors. These items ostensibly could pass through customs.

Mr. ALEXANDER. How many cargo containers come into this country every year?

Marin.

Mr. LAWN. Hundreds of millions of tons of containerized cargo.

Mr. Alexander. As I recall, there are some—I don't want to use the wrong figure. Does somebody know the number of cargo containers that come into the United States every year?

Mr. WESTRATE. I believe it's about 15 million.

Mr. ALEXANDER. About 15 million. What percentage of those do we inspect?

Mr. Lawn. Less than one percent.

Mr. ALEXANDER. In your judgment, if we devoted the entire United States military effort to inspecting those cargoes, what percentage could we inspect? All of our troops, our airplanes, our missiles, our bombers, our nuclear bombs, everything, how many could we inspect?

Mr. LAWN. That would be a speculative answer on my part, sir. I'd be presumptuous to give you an answer without researching it more with the Customs Service.

USE OF THE NATIONAL GUARD

Mr. ALEXANDER. It is generally felt that using the National Guard for the purpose of assisting in drug enforcement is useful. How would that be useful?

Mr. LAWN. As happened in the State of Florida last year, the Customs Service utilized the National Guard to assist them in the search of containerized cargo. That was an effective means of using the Guard during their time of active duty. It enabled them to inspect more cargo than otherwise would have been inspected. But, I'm sure Mr. Cash mentioned to you during your visit, if we begin a program where we inspect all of the containerized cargo, the traffickers will find some other means of getting the drugs into the

Mr. Alexander. So we have a three-legged program. We need to stop drugs at the source, the supply in foreign countries; we need to stop the demand in the United States; and we need to enforce the laws to prevent the trafficking over our borders and the money

going back out to those countries?

Mr. Lawn. Yes, sir.

SUPPLY/DEMAND REDUCTION

Mr. Alexander. What is your assessment of the amount of effort that we're placing on prevention of supplies, of stopping the supply and stopping the demand, as compared to the enforcement area?

Mr. LAWN. Well, as far as all of the money allocated for the drug effort, DEA is the lead enforcement agency. Our budget is about 10 percent of all of the monies that go into the U.S. drug effort. We represent nearly 15 percent of the Federal enforcement budget.

On the enforcement side, the only other agency obtaining more money, I believe, is the Bureau of Prisons, because of the severe problems in prisons. But, we are second as far as the acquisition of funding on the enforcement side.

Mr. ALEXANDER. Have you met with other agencies and reached some estimates about what is needed to stop supply and to discour-

age demand, as well as to enforce the law?

Mr. LAWN. Yes, sir. Under the now defunct National Drug Policy Board, I chaired the investigations committee, and we drew up an investigations plan among all agencies to identify what would be effective. In addition, beginning in 1985, DEA began preparing written strategic plans. For example, in submitting their strategic plan for the coming year, each of our offices indicated that for us to execute the plan properly, it would require an increase of some 450 DEA agents.

Mr. Alexander. Maybe I'm not getting at the question very well.

Let me start again, because I'd like to get some response.

You're asking for a budget to be addressed to your enforcement of the laws to stop the illegal drug trafficking in the country. Now that's one part. There are two other parts. One is discouraging suppliers, or stopping supply in foreign countries, and the third would be to discourage demand in this country. Have you any estimates as to the size of the efforts that are necessary to stop supply in foreign countries and to discourage demand in this country?

Mr. LAWN. In our budget we're asking for \$23.8 million for the foreign effort. But concerning the entire effort—I don't know and

my colleagues are deserting me. [Laughter.]

COST OF DRUG LAW ENFORCEMENT

Mr. Alexander. Well, let me state for the record, it is not your responsibility to give estimates for other efforts than your own responsibility, but I was just trying to get some notion of the magnitude of the effort that is needed to stop the supply and to discour-

age the demand?

Mr. LAWN. I'm sorry I don't have the figure, but in the research, when we talk about the war on drugs, I can recall another war in another era in 1969, the effort in Southeast Asia, had an annual cost of \$35 billion. The effort on the war on drugs, I believe is \$4 billion. So it does appear to be a little disproportionate if we're talking about a war.

BALANCE BETWEEN DRUG SUPPLY AND DEMAND REDUCTION

Mr. ALEXANDER. One other final question. Would you say that the amount of effort and resources that should be spent to stop supply and to discourage demand would be somewhat equal size to the effort that you are addressing to enforce the law?

Mr. LAWN. I certainly believe the enforcement side should be ex-

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Mr. ALEXANDER. In other words if you're spending \$4 billion should we spend \$4 billion to stop the demand in the United States?

Mr. Lawn. If the entire figure were \$4 billion, no, sir. We must do something about the supply while we're working on the

Mr. Alexander. Would it cost \$4 billion to stop the supply?

Mr. Lawn. Easily \$4 billion this year, sir.

Mr. ALEXANDER. So, we're talking about roughly tripling our initiative in terms of money?

Mr. Lawn. Yes, sir.

Mr. ALEXANDER. That would be appropriate in your judgment?

Mr. LAWN. Yes, sir, I believe it would. Mr. ALEXANDER. Thank you very much. Mr. Smith. Well, I just point out, according to the figures we've got, about \$4 billion is already being spent on the law enforcement side. And what I want to point out is, that if you have \$4 billion being spent there, and \$2 billion on the demand side, and you say we're going to go 50/50, if you don't watch out, you're going to have a reduction on the supply side, unless you increase the total pot by a couple of billion dollars—

Mr. ALEXANDER. That's what I'm talking about.

Mr. SMITH [continuing]. You're going to have to—you can't have 50/50 unless there's a substantial increase.

Mr. Kolbe?

INTERNATIONAL COOPERATION

Mr. Kolbe. Thank you, Mr. Chairman.

I just wanted to thank you for being here. I think you and your agents do an incredibly good job under very difficult circumstances against a horrendous problem. Thanks, and I think the gratitude of the American people certainly is due you.

Yesterday, the Administration released a report on the cooperation among the long term fight against drugs. Could you summarize very briefly for us, your assessment, your findings in that

report?

Mr. Lawn. Yes, sir, we---

Mr. Kolbe. Give me some direction on it. It's a big order. Are

things getting better, or worse?

Mr. Lawn. I think in general we would have to say that cooperation is increasing, and perhaps I'm a consummate optimist, but last year there was an initiative in the South American countries called International Drug Enforcement Conference (IDEC). I am the permanent co-president of IDEC. IDEC is an operation involving the heads of narcotics law enforcement agencies in 20 countries. We've met since 1984 trying to plan law enforcement strategy. Last year, for the first time all 20 countries worked together on a one-month enforcement initiative using mutually supportive enforcement plans. That's a first in history.

That was followed by the Vienna Conference where 110 nations finally agreed that each should do something about money laundering, chemicals, and extradition of criminals. So with that background, I think that in general we're seeing increasing support.

Mr. Kolbe. Is that support coming from a realization in these countries that they face a growing problem as well, if not in use then in their countries of what the impact of this industry is doing

to corrupt their own institutions?

Mr. Lawn, Yes, sir. Clearly, the initiative from those countries is coming because they are facing their own major problems. I can pick a country like Pakistan, for example. Pakistan is a major source country for opium and heroin. In 1980, Pakistan professed not to have a drug problem. In 1982, they identified 200,000 drug addicts in their country. In 1988, they estimate their addict population is anywhere from one million to two million. So, they've gone from a zero addict population to a population anywhere from one to two million.

Another case in point is the Union of Soviet Socialist Republics, the USSR. The USSR approached me last year in Vienna, and asked if I would travel to Moscow to meet with our law enforcement counterparts in Moscow to help them deal with their drug problem in the Soviet Union. I traveled to Moscow in April. They outlined in great detail the severity of their drug problem that began in 1974, which they had elected not to talk about at the time. They said their drug problem is expanding by 50 percent a year. They estimate that they have between 150,000 and 300,000 addicts. It's out of control, they don't know how to deal with it.

Mr. Kolbe. This 1974 predates the Afghanistan intrusion. What's

the source? Is it still coming from across that border?

Mr. LAWN. Yes, sir. Their heroin is coming predominantly from Afghanistan, and again they recognize that we had a similar experience in Southeast Asia, and are trying to elicit from us the benefit of our long experience in drug enforcement.

MEXICAN COOPERATION

Mr. Kolbe. Would you describe in a little bit more detail some of the recommendations or the findings of the report with regard to Mexico, since that's a real concern to me?

Mr. Lawn. Yes, sir.

We have just seen a new Government in Mexico. This new Government in Mexico has indicated that drug law enforcement will be priority. There have been two major cocaine seizures as a result of joint efforts between DEA and the Mexican Federal Judicial Police, the first one on the Texas side of the border, the other on the Mexican side of the border. The Mexican Government recently convicted and sentenced five law enforcement officers, and I use that term loosely, who were responsible for the torture of Special Agent Victor Contex in Guadalajara. They were sentenced to, I think, five years. The Attorney General of Mexico has asked to come to the United States to explore with us any future efforts. They have talked about substantially strengthening their eradication program. It appears that they are genuinely interested in doing a much better job in the drug law enforcement area...

Mr. Kolbe. While there's much to be done you are at least

pleased with the level of progress with regard to that?

Mr. Lawn. Yes, sir, I am.

CHANGES IN DRUG USE

Mr. Kolbe. I appreciate hearing that.

You touched on the article in the Washington Post, well the survey, rather, which was described in the article in the Washington Post about drug use being at its lowest level in several years. Is this valid, as far as you're concerned? Do you really think there is

a decrease in drug use among young people?

Mr. LAWN. I'll say, yes, sir, but conditionally. Among those youngsters that stay in school, there is an increasing awareness of the dangers of drugs. I believe that the findings are valid, that among high school seniors there is a decline in marijuana use, and there is a decline in cocaine use. The problem we face, however, is

that in many school districts 50 percent of the young people who

enter high school don't finish high school.

I speak regularly about cocaine treatment with Dr. Mark Gold, who is involved in cocaine treatment and research. Dr. Gold has told us a very compelling story about how the profile of the cocaine user has changed over the past two years. In 1985, for example, of those people seeking treatment, 84 percent were employed. In 1987, only 44 percent were employed. In 1985, 56 percent had attended college. In 1987, only 16 percent had attended college. The person seeking treatment is younger, poorer, and less educated. Half the cases now involve females, and of those females, 20 percent are pregnant females who cannot give up cocaine during the course of

their pregnancy, which is creating a whole new problem for us.

Mr. Kolbe. If they're unemployed, that suggests two things. One, obviously, that they're more readily turning to crime to support their habit, but does it also suggest a change in the kind of drugs

that are drugs of choice?

That leads me to my larger question. Is this change taking place in the demographics or the use. What kind of changes do you see this making in the wholesale drug marketplace?

Mr. LAWN. There is in fact a change that began in 1985. That

change is the introduction of crack into our communities.

Mr. Kolbe. Very inexpensive. Mr. Lawn. Very inexpensive, yes, sir. It costs approximately five dollars for a hit of crack. From January to June of 1985, when crack first surfaced in New York from California, the New York City Police Department made no crack arrests. From January to June of 1988 the New York City Police Department made 12,500 arrests for crack. Crack is immediately addicting. I spoke with a doctor in Jacksonville, Florida who told me from first-time use to debilitation, an individual might use crack for a total of six weeks. The cocaine hydrochloride user, on the contrary, may have used co-caine from three to five years before he felt it was physically or psychologically addicting. Crack has changed the drug situation in our communities substantially. The paranoia associated with crack is provoking the fight or flight reflex. That's the reason we're

having such increasing violence in our communities.

Last year we seized 12 weapons a day in our arrests. We seized one automatic weapon a day. In 1982, there were 5,000 registered automatic weapons in this country. In 1988, there were 45,000 registered weapons. Good citizens are arming themselves because of their fear of problems coming out of the cities, predominantly be-

cause of crack.

INCREASED ARRESTS AND SEIZURES

Mr. Kolbe. Well, there's some good news, but obviously not en-

tirely good news.

You described record numbers of arrests and seizures in 1988. Is this reflective of better interdiction, or is this just reflective of the fact that there's more trafficking taking place, and therefore more opportunities, or both?

Mr. LAWN. It's reflective first of the support that Congress has given DEA in providing us additional resources. Those additional resources are involved in the arrests, but more important than the arrests, I think, is the fact that of those arrests, most of the arrests were of major violators. Certainly there are increased illicit drugs in our society. In 1978, I believe, the U.S. Government seized 450 kilograms of cocaine. Ten years later we seized 56,000 kilograms of cocaine. So, the problem has continued to expand as law enforcement has continued to increase.

Mr. Kolbe. All of which comes back, of course, to the original point, which is no amount of money is going to be able to solve this

problem if we don't tackle the demand side of it.

Mr. Lawn. Yes, sir.

Unless there is a serious effort, as we said earlier on the international side, there are five components that must work together. We must have a good prevention program; a solid single-focused enforcement program; we must have treatment; we must have international cooperation, and we must have research.

A heroin addict trying to recover from heroin can enter a methadone program. A cocaine addict cannot find anything that will be an antidote for cocaine. There is nothing available for the cocaine addict, for the crack addict. If a cocaine addict has an overdose, the best the doctor can do is to pack that body in ice, because there is nothing that can be given to a cocaine addict.

RESEARCH AND TREATMENT

Mr. Kolbe. That's what you're talking about when you say research?

Mr. Lawn. Yes, sir.

Mr. Kolbe. That's the first time I've heard this discussion. Do you people fund research in this area now? Are you doing much? Mr. Lawn. No, sir. We're not a funding agency. We're just out there walking and loading.

Mr. Kolbe. At NIH has anybody done research in this area?

Mr. LAWN. Yes, sir. I spoke with Dr. Mark Gold, who has been talking with NIH trying to find some type of a blocker to do some-

Mr. Kolbe. That's something we need to pursue a little bit more.

Mr. Lawn. Yes, sir, it is. It's critically important.

SEIZED ASSETS

Mr. Kolbe. One last question if I might ask, and the amount of assets that you seized certainly is commendable, and as Mr. Alexander said, certainly puts you in a rare category of Federal agencies. But in fairness, that is in appraised value, that's not cash real-

Mr. LAWN. Well, on the contrary. Forty percent of that money is cash money. It's cold, hard dollars.

Mr. Kolbe. Forty percent of it is dollars?

Mr. Lawn. Yes, sir.

Mr. Kolbe. And the rest, even if it's sold, it doesn't necessarily mean that that amount, what was the number \$573 million? Mr. LAWN. It was \$657 million.

Mr. Kolbe [continuing]. Was actually deposited into the Treasury?

Same of the Carrier

Mr. LAWN. No, sir. That's money that continues to be in the system facing either civil or criminal forfeiture. Last year, I believe DEA's total deposit into the DOJ Assets Forefeiture Fund was approximately \$275 million. We shared \$79 million with State and local law enforcement agencies.

MILITARY COOPERATION

Mr. Kolbe. I said this would be my last question. I have just one

other I would like to ask.

I was interested in your comments about cooperation with the military, and the Army, what you were doing in Alabama on chemical training. Just having been going through a major issue of realignment of the military bases, and combining all the intelligence programs at Fort Huachuca in my district. I'm just wondering, have you ever looked into the possibility of training with the Army on intelligence work. Is any of their academic training valuable to you or your agents, or vice versa? Mr. LAWN. Yes, sir, it is.

In 1987, at the request of the Bolivian Government, DEA initiated an operation in Bolivia where we brought military helicopters and military components down to support an enforcement effort. At that time, we saw that military intelligence differed critically from law enforcement intelligence. Very recently we received a letter from the military inviting us to send our intelligence analysts to a military school, so that we can become more compatible

in developing actionable intelligence. That effort is ongoing.

Mr. Kolbe. I appreciate it. I'll be interested in following up to see what kinds of things are being done in that area, and by the resources in the intelligence. Because it does seem to me, having spent some time looking at this just recently, as a matter of fact, both at Ft. Devens and Ft. Huachuca that there's some areas there

might be a topic for both the military and DEA to pursue.

Mr. LAWN. Yes, sir. We've explored that with the military. In time of war the military spent a great deal of effort in intercepting communications. Traffickers talk too, that's our war, and we can intercept their communications. In fact, we do intercept their communications and it is very effective. We learn a great deal from the military, and we can certainly use their detailed logistics.

Mr. Kolbe. Thank you, Mr. Chairman.

WAR ON DRUGS

Mr. Smith. Mr. Early.

Mr. Early. Thank you, Mr. Chairman.

Mr. Lawn, it's a pleasure to have you back. I want to make several observations. They're not meant to be critical of you, or anyone else, but they are critical of what's happening.

There is no aisle on the war on drugs. There is one issue, and we

say that about all issues, but on this issue there are no Democrats, no Republicans; everyone wants to cooperate. It's going to be a long, long game plan, though, isn't it, Mr. Lawn?

Mr. Lawn. Yes, sir, it is.

Mr. Early. One of the problems I have, you know. We had the Attorney General before us earlier and now you and Mr. Sessions of the FBI. The drug problem is coast to coast. I think everyone's well intended, but I don't see the game plan that I think we need. The Attorney General and you, both, spoke about demand, putting half the money on the demand side. I don't think the demand side should take nearly as much money. I think there should be more emphasis on education, education through free media. We need to look at what we should do about—including expelling—kids in the public schools that sell, or even use drugs, and the professional athletes and action under anti-trust, as Mr. Smith brought up, perhaps have just one conviction, and move them out. But I think that's probably the demand side, and probably should be handled by the drug czar. You and Mr. Sessions, and the Attorney General, I see as enforcement. So I would like to see that.

But then what disappoints me, relates to arrest and seizures. I'd like to know which agency is making a commitment to electronic data processing, and developing historical information. I don't know who it is. I think your budget is underfunded. I don't think we should have a little here, a little there. One guy, and I'd like it to be you, should do it and sole-source it. The FBI has a great history on organized crime. We don't have that anywhere for drugs.

When I was in Florida recently there was a prostitute that was being arrested for a drug violation, who was having her second baby. She was addicted to cocaine, and they went out to arrest her and prosecute her for the illegal use of drugs. She's pregnant now for the second time, and they had warned her after the first cocaine born baby. I mean, does that type of thing fall in your jurisdiction? No, it doesn't. And we don't have any history of it.

Up in my area, in one of my hospitals, two prostitutes, who were drug addicts, went on methadone. Both had babies born with AIDS that they left after they were born. I was told they became pregnant because they weren't on the list for the program. And if you are pregnant, you get on that list. I mean does that come under your jurisdiction?

Mr. LAWN. No, sir.

, AUTOMATED DATA PROCESSING

Mr. Early. And there's no history of that. I mean, Mr. Lawn—and I don't say this often, but I think you're an excellent administrator, okay? I think we'd be better served if you used your funds for an automated history of all the drug violations. Everyone of the agencies should be able to go to a computer and bang out Mary Jones, a student once arrested for selling drugs. And we don't have

that, do we?

di He i Mr. Lawn. No, sir. And let me say that I, for one, support what you're saying. It was mentioned earlier, that there are 41 agencies now involved in assisting in the drug effort, many of whom are involved because there were dollars coming for the effort. I prefer responsibility and accountability. I would prefer to have a single agency responsible for all of these issues, so that when the Members of Congress had a problem with crack in a given part of the country, they would come to me and say, "what's the problem and what are you going to do about it?" Now, as the lead agency, I have responsibility, but when it comes to accountability, there are 41

other agencies out there. I absolutely agree with you that when DEA was formed as a single mission, that was a good idea. What you're saying, is what I have believed for a long period of time.

BIRTH DEFORMITIES FROM DRUGS

Mr. Early. You know, times have changed. In the case I just spoke of, the two prostitutes in Worcester, Massachusetts, a little city, to get methadone they had to get pregnant. They went out and got pregnant. Now they get into the methadone program. They have their babies; they're both born with AIDS. We have no history of that. We don't even know the two ladies' names. What they're prosecuting the prostitute in Florida on, which is the first time it's ever happened, she had a baby after being on cocaine and the judge

said if you get pregnant again we're going to prosecute you. Now they're prosecuting her. We have no history of that.

Let's give you the money to establish a history, as the FBI has with organized crime. It isn't happening anywhere. Every one of the 41 agencies, the 41 people involved have got a little money on it. We're going to give them each a computer. Tell us, what do we

do with that?

Mr. LAWN. I spoke, again, with a doctor in New York who said that there are some 6,000 crack babies in New York City. He said, no one is looking at what the long term effects of crack are going to be on those infants. He asked if I knew of anyone who would do a long time study.

Mr. EARLY. We don't need any studies. [Laughter.]

DEA URGED TO AUTOMATE

Mr. Early. Let me ask you, are the 6,000 mothers on cocaine identified anywhere? No. Are these 6,000 mothers going to become mothers again. There's no politics. There's no winning for anybody. Just tell the Chairman, and Mr. Rogers, that you want the money to set up a system. Don't just hire any more agents. Really. Hire technicians, computer people on the enforcement side, I hope you send all your agents up to New York, because there's got to be a camaraderie in law enforcement. You can't let them shoot an agent like they did yesterday. I mean, just for principle, but that isn't the point. That isn't the only thing with the budget.

How many agents did you send to New York? Mr. LAWN. How many are in New York?

AGENTS IN NEW YORK

Mr. EARLY. No, how many have you sent since this murder yesterday?

Mr. lawn. We have sent no additional agents.

Mr. EARLY. You should. Do you think you know who did it?

Mr. Lawn. Yes, sir.

Mr. EARLY. I think that's important—that people realize they can't kill agents. At least you made a pretty good effort, and you concluded the Mexico problem, after that incident happened. I hope you make the same commitment in New York.

Mr. LAWN. I can assure you it's being done.

1990 BUDGET REQUEST

Mr. EARLY. Fine.

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Now, specifically, on your budget, okay, you haven't got any money. You've got \$18 million more for data processing. Do you have your high tech guy with you?

Mr. Lawn. Yes, sir.

Mr. EARLY. Which one is he?

Mr. WESTRATE. Mr. Early, just some ideas about information.

Mr. EARLY. Identify yourself for the record. Give your name,

Mr. WESTRATE. I'm David Westrate, the Assistant Administrator for Operations for DEA.

On information particularly, we have had an automated system for about 12 years now.

Mr. EARLY. Is it any good?

Mr. Westrate. Yes, it is good, but it does need improvement.

AUTOMATED INFORMATION AVAILABLE TO DEA

Mr. EARLY. I'm not being critical of you.

Mr. WESTRATE. I just want to point out that from the law enforcement basis, I think our current systems would be a start to whatever you would want to add. We do have a good start, and we do have 2.4 million names in that system. We have 200,000 investigative files in our file room. We have 24,000 informant files, 4,000 active informant files.

Mr. Early. No, no, now you sound like an accountant. You're

giving me statistics.

Again, I don't want to interrupt you, okay, but you say you've got 2.4 million names in there. The other day the Attorney General told Mr. Rogers that 23 million people use drugs each month, and you've got 2.4 million. That isn't a good system. It's not your fault. We haven't told you to do it. We haven't given you the money. We spend \$4 billion on drugs. Somebody, someone has to say a good part of those dollars is going to establish historical information system. Then we'll be moving on it. We aren't moving on anything, nothing is moving.

How much money do you have for your system? You only want

\$18 million more this year.

Mr. LAWN. That's to enhance the system, sir. We're in Phase II of the program. It was funded and this is Phase II of a program which will enable us to automate each one of our field offices beginning the month of April. So, we'll have all 19 field offices in an automated mode. We don't have that now.

You did fund Phase I. What we're looking for now is money for

Phase II.

Mr. EARLY, I apologize for interrupting you. But, it's just that

your system is terrible. You haven't got a system.

Mr. Westrate. I agree with you that we need modern, sophisticated computer power. I think in the next year or two we're going to have to deliver something like that on an inter-agency basis. We're working with other agencies on that issue right now with the notion of having a more cohesive intelligence base, which is

worked on by inter-agency groups. Mr. Munson is in the process of developing a proposal on that.

I agree with you 100 percent.

INTER-AGENCY AUTOMATED DATA BASE

Mr. EARLY. Should you be working with other agencies, or should one person be doing it? I want DEA to do it, because then we can come back and say, you haven't got a system. I just want you to pick a company to set it up and get us a system. I mean we're not moving on these things. We're killing the ants at the front door.

And you know, we talk about the international situation. I mean, the Attorney General testified the other day, Colombia is run by the cartel. If they've got one country they can go to as a haven, how are you going to do anything in that way? We're all well intended, but we're not doing anything, Mr. Lawn.

Mr. Lawn, what if the Chairman said that you're to use all of your money to set up a system? Of course, that would mean the enforcement would go someplace else. Wouldn't we be better off in

the year 2000, which is only 11 years away?

Mr. LAWN. With an inter-agency system? One system?
Mr. EARLY. Just one system. I mean, like the FBI. Organized crime, they can tell you, bang out Joe Jones from Iowa. They know where he is. I mean, we've got nothing like that for drugs, and it's supposed to be a bigger fight for us. I would love to ree-something's got to happen. We say we're all together, and we're not together.

I've used my time, Mr. Chairman.

Mr. WESTRATE. Mr. Early, just one comment. The computer systems that we have for drug law enforcement are as good as any system that the Bureau has relative to computer processing of people and information in the law enforcement context. Now, we don't have information on prostitutes and some of the other sides of things, but insofar as traffickers are concerned, we are in pretty good shape and I would offer you a more detailed briefing, if you'd like to hear more about it.

AUTOMATED DATA PROCESSING

Mr. Early. No, but Mr. Chairman, if I might.

I disagree with you. This committee went down and looked at the FBI system, okay. Have you got a computer system you can enter and say-

Mr. WESTRATE. Yes, sir.

Mr. EARLY. Wait a minute, wait a minute. In Worcester, Massa-

Mr. WESTRATE. Yes, sir, we have.

Mr. EARLY. And you can identify everyone involved in drugs?

Mr. WESTRATE. Yes, sir, 2.4 million traffickers in that system. We would have to give you a detailed briefing like you received from the FBI, but we're not in bad shape.

However, we do need much more computer power in the future in order to manage this mass of information. We're receiving 2,000 reports in our headquarters every week. We're entering 19,000 new names each week in that data processing system, 20 percent of which we already have information on.

Mr. EARLY. What kind is your unit? Your machine?

Mr. WESTRATE. Pardon me?

Mr. EARLY. What company, IBM, Data, Digital?
Mr. WESTRATE. We run off the Department of Justice computers. I believe their big machines are called AMDAHL machines. But the Department of Justice does our processing for us, and we have field terminals, we have analysts who work on these things. We can do all the same fancy things that any other organization can do with computers. But in the future this is an area we're going to have to spend a lot more money on.

Mr. Early. I really—I guess I do disagree with you.
Mr. Westrate. Well, let us give you a briefing, sir, and then
you'll have a better understanding of what we can do.
Mr. Early. But I think your computer should show every one of the people that I identified; I'm not saying it facetiously. I think the 6,000 mothers that you're talking about, Mr. Lawn, are criminals if they go out and do it again.

I'm sorry, Mr. Chairman,

Mr. Smith. Now, when we speak of data processing, computers, et cetera, comething like NCIC, I guess, is that what would be described as being on the law enforcement side, or education side?

Mr. Lawn. That's on the law enforcement side, sir. Mr. Smith. It's all on the law enforcement side?

Mr. Lawn. Yes, sir.

RESOURCES SPENT ON SUPPLY DEMAND REDUCTION

Mr. SMITH. I just point out in the record here, that for 1990, the Administration requested \$4,144,000,000 on the law enforcement side. If that were to be the exact amount appropriated for law enforcement, and if Congress were to follow through, as they indicated they want to, and have 50 percent on the demand side, then there'd have to be total funding of \$8,288,000,000. Last year, the total amount spent was \$5,331,000,000, which would mean there would have to be an increase of \$2,977,000,000. I don't know where the money is coming from, no body has if defined it yet. You're not the solving for much of an increase if defined it yet. really asking for much of an increase. If demand reduction gets 50 percent, your amount is going to go down instead of up.

Now, we're going to have the new drug czar look at all of this,

and come up with some type of a program in the next few months.

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But that's going to be after we mark this bill up. Have you had meetings with the drug czar yet?

Mr. LAWN. Yes, sir, I certainly have.

Mr. SMITH. These figures I just gave you, if they mean it, and they talk about a 50 percent increase on the demand side, the next thing you know you're going to have reductions in your personnel instead of increases in order to meet your needs.

Mr. LAWN. Mr. Chairman, we're aware of the fiscal constraints we're all working under. That's why as you had indicated, this increase we're looking at is a minimal increase, we believe this increase is critically necessary just for us to stay even with the problem, with inflation and the rest. This will keep us at current levels until Mr. Bennett and I can sit down and come together to develop the strategy that Congress is asking for. Mr. Smith. At this point we'll go into Executive Session in order to dissified material.

[Whereupon, at 11:45 a.m., the committee proceeded in executive

session.]
[The following questions were submitted to be answered for the record:]

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OUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Drug Enforcement Administration

Overseas Operations

QUESTION: The Drug Enforcement Administration is in the midst of an extensive program to train agents for military-type operations in South America. Are you personally involved in how and when these agents will be used in these operations?

ANSWER. I have been fully informed about all aspects of Operation SNOWCAP's planning and implementation since its inception in April 1987. I am not involved in the operation's day-to-day activities, but I discuss the operation frequently with Mr. David Westrate, Assistant Administrator, Operations Division. Furthermore, I have personally visited South America several times to view Operation SNOWCAP first hand.

QUESTION: Do interdiction operations involving large numbers of DEA agents run the risk of alienating the governments or local populace of the countries involved?

ANSWER. Although much has been written in the press recently concerning the efforts of DEA in cocaine suppression/enforcement activities in South and Central America, these activities are crucial to the success of the Federal drug strategy. DEA is operating in these countries at the request of the host governments. DEA assists the local drug law enforcement authorities in locating and destroying clandestine airstrips and cocaine manufacturing laboratories. In so doing, DEA is attempting to assist the host government destroy the economic incentives for growing coca and manufacturing cocaine. Thus, DEA risks alienating the local populace that depends on coca and cocaine production for its livelihood. This is a risk that the United States Government and the host governments have decided to take in the effort to rid the world of cocaine trafficking and abuse.

QUESTION: In those countries where the agents may come into contact with communist insurgent groups, does the DEA run the risk of being accused of being a CIA front to fight the insurgents?

ANSWER: No. DEA has been invited by the host governments to assist them in their drug law enforcement activities. First and foremost, DEA acts primarily in an advisory capacity, providing training and supplies to the host country's police agencies. DEA's mission is drug law enforcement. It does not serve as a front for the CIA or any other organization.

QUESTION: DEA has always taken pride that they can go into foreign countries where other U.S. agencies are not

allowed, because DEA has been considered a non-political law enforcement organisation. Do these military-type operations, with the possibility of action against politically oriented insurgent groups, run the risk of changing this perception?

ANSWER: Insurgent groups view all United States operations abroad as politically motivated; however, it is important to keep in mind that DEA's foreign operations are conducted with the full consent and cooperation of the host governments. These governments view DEA solely as a law enforcement organization acting as an advisor in carrying out clearly specified activities required to enforce the laws of the host country. DEA's mission is not to fight insurgent groups, and we have no evidence that foreign governments are viewing us as anything other than a law enforcement agency.

QUESTION: Your budget request seeks an increase of 148 positions (120 agents) and \$16.5 million for expansion and formalisation of foreign drug suppression/enforcement programs in source countries. Please describe how these resources will be utilised and how it changes from FY 1989.

ANSWER: DEA'S 1990 request for Special Enforcement Operations builds upon and expands the resources available to four operations that are currently underway. These operations include intelligence collection and identification of major organizations trafficking heroin from Mexico and cocaine from South America to United States cities, Latin American cocaine suppression initiatives, and identification and destruction of heroin laboratories in Pakistan. Because many of the details of these operations are classified, we cannot supply further information for the record pertaining to how the enhancement will be used. Any additional information that you may require can be supplied through briefings with my staff.

Investigative Support

QUESTION: You request \$7,390,000 to enhance your drug intelligence program. What intelligence deficiencies are occurring which will be corrected if these funds are approved?

ANSWER: The amount of information available for collection and exploitation for intelligence purposes is virtually unlimited. In fact, the workload and production of DEA's intelligence program is limited only by the resources that can be devoted to analysis. Consequently, the "deficiencies" that DEA's intelligence enhancement is designed to correct are basically to exploit more fully intelligence data. There are two areas of intelligence that DEA is currently unable to support, but which would be staffed with this enhancement. Those are exploitation

of classified intelligence and development of drug intelligence collection requirements.

QUESTION: Your budget request calls for an increase of \$5,000,000 in the DBA training program to provide automatic weapons and associated training equipment (\$975,000) and for additional expenses necessary to meet increased in-service training needs (\$4,025,000). Does the increase in automatic weapons training reflect the increased violence which DBA agents must confront daily? Will agents be routinely issued automatic weapons?

ANSWER: Because of the increased violence of drug traffickers, DEA is supplying its agents with semi-automatic and automatic weapons as standard equipment. In conjunction with the new weapons and related training, DEA continually seeks to enhance its tactical firearms training program.

Monitoring of weapons seizures indicates that the drug traffickers are using more powerful weapons than ever before. In 1987, DEA seized 4,964 weapons from drug traffickers, 30 percent of which were automatic or semi-automatic. In 1988, 5,304 weapons were seized. The Bureau of Alcohol, Tobacco and Firearms reports similar trends: handgun seizures increased 257 percent from 1986 to 1987 (457 to 1,175) and machine gun seizures increased 434 percent (35 to 152). Given these seizure levels, the potential for future violence is alarming.

State and Local Task Forces

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QUESTION: Your budget request calls for an increase of 27 positions (including 20 agents) and \$4,162,000 in the State and Local Task Force program to fund seven additional task forces. In what cities are the seven additional task forces to be organized?

ANSWER. The funds for seven additional task forces requested in the 1990 budget refer to the conversion of existing provisional task forces to program-funded status. Although the exact location of the seven new task forces cannot be determined at this time, they will be chosen from the existing provisional task forces. The number requested is based on the average conversion rate for provisional task forces and the length of time that the existing ones have been in operation. The existing provisional task forces are:

Springfield, MA Saginaw, MI San Diego, CA
Tyler, TX Mobile, AL San Francisco, CA
Albuquerque, NM N. Lake Tahoe, NV Fresno, CA
Columbus, OH Norfolk, VA Westchester County, NY

QUESTION: Do DEA State and Local Task Forces attack the problem of drug-related street crime and violence that is plaguing our nation?

ANSWER: The escalating drug-related violence is a direct result of the problems of drug trafficking and abuse in general. Only by addressing the root of the problem can we hope for any reduction in drug-related violence. DEA does have some specific initiatives that are aimed at drug violence. These include the Los Angeles Gang Task Force and Special Enforcement Operations dealing with the Bloods and Crips gangs, as well as Jamaican posses and crack dealers. These initiatives focus drug enforcement investigative activities on those organizations that have proven to have the greatest propensity for violence.

QUESTION: What is the role of the Federal Government in addressing the drug problem at the local, city, and State level and should that role be greater?

ANSWER: The Federal Government's highest enforcement priority is to stop the major drug suppliers by suppressing the production, transshipment, and distribution of illicit drugs closest to the source as possible. If we are able to concentrate our efforts at this level, it will ultimately assist the street-level enforcement effort. However, we have long maintained that it is the responsibility of the Federal Government to facilitate intergovernmental cooperation, which DEA accomplishes principally through the State and Local Task Force and the Organized Crime Drug Enforcement programs. These programs allow us to increase training to State and local officers, exchange intelligence, equipment and investigative techniques, and develop cooperative cases. Additionally, the State and local governments receive equitable sharing payments for their participation in Federal investigations. In 1988, DEA was the originating agency for \$78.6 million in cash and property shared with State and local governments.

Agent Salaries

QUESTION: In October 1988, the FBI began a trial pay system for its New York field office employees which increases agents' pay and provides a mobility allowance for agents moving into the New York area. In your opinion, should similar adjustments be made for DEA agents? If so why?

ANSWER: Generally, DEA would favor the flexibility to offer the benefits accorded under the FBI's demonstration project; however, DEA also recognize that providing these benefits on a limited basis may have an adverse impact on the morale of employees who are not eligible for the benefits. Accordingly, DEA would be more inclined to favor these benefits if they were applicable to other occupations and geographic locations where they are also experiencing recruitment and retention difficulties. This would facilitate the Department's efforts to hire and retain law enforcement officers.

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QUESTION: Currently, DEA agents begin at grades 7 and 9 while FBI agents begin as grade 10 employees. Do you believe the grade level of DEA agents should be made comparable to that of the FBI?

ANSWER: We do believe the level of pay for DEA agents should be comparable to FBI; however, DEA cannot legally hire at Grade 10 for two reasons. FBI agents are excepted service, while DEA agents are hired under standards set by the Office of Personnel Management (OPM). OPM standards do not allow DEA to qualify entry level employees above Grade 9. Second, a Grade 10 does not exist for law enforcement officers in the OPM qualifications regulations.

Seized Cash

QUESTION: On two occasions within the past two years, the GAO reported that the Drug Enforcement Administration held substantial amounts of seized cash unnecessarily as evidence. How much seized cash is currently held as evidence by DEA and how much of that amount has received the required Justice headquarters' approval? Please explain the reasons for any difference in these two amounts.

ANSWER: On January 23, 1989, DEA held \$22 million in seized cash as evidence throughout its 19 field divisions. The amount of seized cash on hand fluctuates daily due to additional seizures, court actions, administrative processing, and the Department of Justice approval process. DEA's records, both automated and manual, do not indicate the amount of seized evidence that has received the required Justice headquarters' approval. According to field offices, however, nearly all the cash held has obtained approval or is in the process of being transferred into the Seized Asset Deposit Fund.

QUESTION: What actions have the Department of Justice and DEA taken to routinely monitor cash held as evidence to assure that evidentiary cash policies are being followed?

ANSWER: The Department of Justice and DEA have not jointly developed a system for routinely monitoring cash held as evidence. However, as part of the field office inspection process, the DEA Agents Manual requires that at least quarterly, and whenever the seized and recovered monies custodian changes, each field office must conduct an inventory of all seized and recovered money. Any discrepancies between requisite paperwork and the evidence held must be reported immediately to DEA headquarters and other relevant parties.

In addition, DEA inspects each field division every 18 months to 2 years. Part of this inspection includes audits of the physical inventory of seized and recovered money, ensuring proper compliance with internal controls.

QUESTION: What action has been taken to improve DEA seized cash headquarters' records, and what assurance does the Department of Justice have that the previous inaccuracies will not recur?

ANSWER: DEA is aware that its Computerized Asset Program (CAP) system, which generates seized cash records, overstates the amount of cash currently held in field divisions. Because of this, DEA is revising its CAP system, to be called the Asset Seizure Information System. This process, expected to take about a year, was initiated in December 1988.

QUESTIONS SUBMITTED BY CONGRESSMAN ALEXANDER

Drug Enforcement Administration

Organized Crime Drug Enforcement Reimburgement

QUESTION: Sec. 1055 (a) of the "Anti-Drug Abuse Act of 1988" requires the Attorney General to "submit a separate appropriations request for expenses relating to all Federal agencies participating in the Organised Crime Drug Enforcement Task Forces" and it says that "Such appropriations shall be made to the Department of Justice's Interagency Law Enforcement Appropriations account for the Attorney General to make reimbursements to the involved agencies as necessary." That provision does not appear to require, as has been done in the Department of Justice proposed FY 1990 budget, a shift of funds and positions out of the DEA budget into something called the Organised Crime Drug Enforcement account.

Therefore, why is this shift being made?

ANSWER: Section 1055 of the Anti-Drug Abuse Act of 1988 mandates that the Attorney General submit one unified budget request for all expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement (OCDE) Task Force program. DEA is one of eleven agencies participating in the program; therefore, the funds allocated to DEA for its participation in the OCDE Task Force program will be "shifted" in 1990 to the OCDE appropriation. As specified in the Act, the Attorney General will make reimbursements to DEA and the other involved agencies.

Interagency Law Enforcement is a subchapter heading used in the President's Budget since the first request was made for an Organized Crime Drug Enforcement appropriation on November 30, 1982 (H.Doc 97-257). Since funds can only be transferred between specific appropriations, the reimbursements in 1990 will be made from the OCDE appropriation to DEA and the other involved agencies for expenses relating to their participation in the OCDE Task Porces.

QUESTION: Doesn't the shift of 762 permanent positions and \$68.4 million out of the DEA budget account into the Organised Crime Drug Enforcement account represent a permanent reduction in the DEA budget base?

ANSWER: The transfer of 762 positions and \$68.4 million technically reflects a decrease in the DEA direct appropriation; however, these funds will be transferred back to DEA through a reimbursable agreement. There will be no net change in DEA's total available funds in 1990 as a result of this transfer.

QUESTION: Isn't it correct that the Attorney General could decide to use a portion of the Organized Crime Drug Enforcement account funds we are now being told will go back to DEA, through reimbursement for services, for some other activity and would only have to ask and obtain approval of a reprogramming to achieve that?

ANSWER: Section 1055 (b)(3) of the Act permits the Attorney General to allocate resources among the organizational components of the task forces and between regions. No such reallocations are expected.

QUESTION: Will the 762 holders of the permanent positions identified in the Organized Crime Drug Enforcement account as being DEA people be on the DEA payroll?

ANSWER: Yes, they will remain DEA employees and their status and job responsibilities will be unaffected by the consolidated OCDE budget.

QUESTION: If in FY 1990, or some future year, the Attorney General decides that a portion -- say ten percent -- of the Organised Crime Drug Enforcement account now earmarked for DEA is needed for some other activity, say U.S. Attorneys, or U.S. Marshals, what would be the impact on DEA?

ANSWER: Of the \$68.4 million transferred for OCDE in 1990, only 25 percent accounts for direct program funds, while the remainder supports salaries, rent, and other the centralized accounts, which comprise the total amount of program funding. If a portion of the funding for this program were reallocated to another agency, DEA presumably would retain its agents and current facilities, and would, therefore, be required to absorb any reallocation of costs associated with salaries and central accounts by reducing the remaining agency program operations -- probably in Domestic Enforcement.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Drug Enforcement Administration

State and Local Task Force Program

QUESTION: You are now funding 44 State and local task forces and plan to fund an additional 7 in 1990. Is there more than one task force in many of the States?

ANSWER: Yes. There are six states with more than one program-funded task force: Georgia (3); Texas (4); Florida (3); New York (3); Arizona (2); and California (4).

QUESTION: Explain how the provisional task force method operates.

ANSWER: The provisional task force program is basically a test bed for future program-funded task forces. The provisional program allows the participants and DEA management to evaluate task force performance prior to deciding if a further investment is warranted by converting the task force to program-funded status. Provisional task forces operate on funds contributed by the participating agencies and the DEA field division and have a pre-established sunset date by which they must be converted to program status or disbanded. From all other standpoints, they operate like program-funded task forces. The oritoria for determining program status are: number of class I and II arrests per task force officer; total number of arrests per task force officer; consideration is also given to the level of participation by State and local governments and the overall cost of the task force.

QUESTION: What would some of the reasons be for not making it into the regular program?

ANSWER: Provisional task forces will not be recommended for program status if they do not perform well relative to program-funded task forces.

QUESTION: How long would a task force remain in the provisional program on average?

ANSWER: Twelve to 15 months are required for the pilot operating period. An additional three to six months is necessary for evaluation and processing of the recommendation.

QUESTION: Is there potential for the continued expansion of this program beyond 1990?

ANSWER: The State and Local Task Force program has been very successful to date. In 1988, with an investment of only five percent of DEA's total budget availability, the task force program was responsible for 24 percent of the

total DEA arrests, and 13 percent of the total assets seized by DEA. The task forces seized more than three times the amount that the entire program cost the Federal Government in 1988. Currently, there are twelve provisional task forces in operation. DEA anticipates recommending seven provisional task forces for program status in 1990. That will leave five provisionals still in operation. Currently, there are 11 requests to establish new provisionals. It is likely that at least a portion of these will qualify for program status in the future.

Office Automation

QUESTION: I am pleased to see you are requesting an increase of \$18 million for automated data processing and telecommunications activities. For the record, provide an annual breakdown of the total amount of funds to be spent on the office automation system project, which began in FY

ANSWER: In approximate totals, DEA's expenditures for office automation are:

1987: \$1,000,000 1988: \$3,000,000 1989: \$8,200,000 (projected)

Operation SNOWCAP

QUESTION: In response to a request for information concerning the "Operation SNOWCAP," I am told you are covering the cost of retrofitting and operating helicopters for use in Peru and Bolivia. Does the Defense Department also cover the cost of similar activities?

ANSWER: No. Retrofitting and operational expenses are jointly funded by the Drug Enforcement Administration and the State Department's Bureau for International Narcotic

QUESTION: Explain what activities in foreign countries, in general, the DEA supports as compared to the Department of Defense (DOD).

ANSWER: DOD's primary role in SNOWCAP has been training for DEA agents and their foreign counterparts participating in this initiative. DOD has provided training for mobile deployment units in Bolivia, Peru, and Ecuador. In addition, DOD has assigned personnel to DEA Headquarters to assist in Operation SNOWCAP planning, implementation, and assessment.

DEA, on the other hand, is responsible for all phases of project planning, implementation, and assessment. In foreign countries, DEA agents work on a daily basis with foreign drug law enforcement counterparts in training and assisting in operational missions. DEA is also responsible for intelligence collection and training of Border Patrol and some Coast guard personnel.

QUESTION: What specifically is meant by "in-country operational direction and assistance?" What types of activities would fall under this classification?

ANSWER: In the foreign countries that participate in Operation SNOWCAP, DEA agents assist in all phases of operational planning and implementation. This includes training DEA's foreign counterparts, making sure that they have the appropriate skills and equipment for conducting drug law enforcement activities. In addition, DEA agents accompany local drug law enforcement officers on operational missions, such as searching for, raiding, and destroying clandestine laboratories and airstrips. Throughout this effort, DEA advises local officials of ways to improve their own drug law enforcement programs.

QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

Drug Enforcement Administration

Drug Diversion

QUESTION: Mr. Lawn, I am very interested in the area of drug diversion: drugs manufactured for legitimate use, but diverted to illegal markets. You are requesting no increase in this area in FY 1990. In your original request to OMB did you request additional funding for Diversion Control? If so, what amount? ANSWER: No additional funding above the current services level was requested for Diversion Control in DEA's request 1990 request to OMB.

QUESTION: How do you "assist States to control diversion" (justification page 33)? What amount of your resources are used for this?

ANSWER: DEA assists the States in their efforts to control diversion in various ways. These include cooperative DEA/State investigations of violative registrants; joint operations targeting major violators that contribute to statewide diversion problems; training seminars for State regulatory, licensing and law enforcement officials on innovative approaches to drug investigations; and an active liaison program with the individual States. In providing investigative assistance, DEA provides the States with information from DEA's Automated Records Consolidated Order System and Diversion Analysis and Detection System databases, the primary sources for targeting information for State drug trends and investigations. DEA also works closely with the States to determine and implement appropriate actions.

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A major focus of DEA's Diversion Program has been to enhance the ability of the States to take effective action against registrants who are in violation of controlled substance laws. In this respect, DEA and State officials have worked together for a number of years to unify diversion control policies and programs. Since 1984, DEA has held four national conferences to address and discuss these matters. The conferences have provided DEA and State representatives with a formidable forum to explore the issues of drug control and diversion, discuss legislative initiatives specifically directed at the licit controlled substance abuse problem, and recommend workable solutions to this problem. The conferees include policymaking officials from the 50 States, the District of Columbia, and Puerto Rico.

In addition to these initiatives, DEA has also worked closely with the Bureau of Justice Assistance to award a total of \$1.5 million in discretionary grants to the States of Nebraska, Virginia, Massachusetts and Connecticut, and the City of Cleveland, Ohio. The grants focus on activities that enhance the authority and structure of State licensing boards, improve statewide drug information collection systems, establish emergency scheduling provisions, and establish methods and structures to improve the communication and operating procedures between law enforcement and State professional licensing boards.

DEA cannot separate the resources spent on State assistance activities from those spent on other activities conducted by DEA's Diversion Program.

QUESTION. Can the DEA assess fines against manufactures and wholesalers for violations of DEA regulations? What was the amount of fines assessed by the DEA last year? Do you have a projection for FY 1990? Are these funds deposited in the General Treasury?

ANSWER: The Controlled Substances Act (CSA) does not grant DEA the authority to assess administrative fines against manufacturers and distributors of controlled substances who are in violation of the Act. However, approximately \$3.5 million in civil fines and criminal penalties were assessed against DEA registrants during FY 1988. In addition, assets valued at approximately \$3.6 million were seized from registrants during this period. Furthermore, administrative actions involving the revocation, suspension, or denial of DEA registrations to handle controlled substances were taken against 750 registrants during this period.

DEA estimates that total assessments for FY 1990 will increase to the \$7.5 million mark (including asset seizures) as additional actions are taken against DEA registrants. Civil fines and criminal penalties are deposited in the General Treasury. Asset seizures, once forfeited, are deposited into the Assets Forfeiture Fund.

QUESTION: Do you have current estimates on the amount of pharmaceuticals that are diverted each year for illicit use? What about chemicals diverted to foreign sources?

ANSWER: While at the inception of the CSA controlled substances were primarily diverted at the manufacturer and distributor levels, diversion now occurs primarily at the practitioner/pharmacy or "retail" level. Currently, a substantial amount of all trafficking and abuse of controlled substances in the United States, perhaps 40 percent, involves legitimately manufactured pharmaceutical controlled substances that have been diverted into the illicit traffic.

Until 1988, estimates of chemical substances diverted into the illicit traffic were derived from information received from the chemical industry and from reports of domestic and foreign seizures involving these substances. In FY 1988, DEA began gathering and evaluating information compiled by the U.S. Customs Service, the Department of Commerce, and the United Nations. This information has revealed that:

- 1) The United States is a major supplier of chemicals to the world along with Western Europe and Japan. Depending on the chemical chosen, some countries produce and export more than the United States but, in general, the United States is the largest supplier of most chemicals. In FY 1988, the United States exported to the world 372,000 metric tons of 11 chemicals now under Federal control.
- 2) The United States is a major supplier of some essential chemicals to Latin America. Though there is evidence that suggests that illicit cocaine production labs are using foreign sources for some chemicals, the United States, because of its geographic location and large chemical industry is a major source of some cocaine essential chemicals, particularly chemical solvents like acetone and methyl ethyl ketone. During FY 1988, the United States exported 59,000 metric tons of five chemicals listed in the "Chemical Diversion and Trafficking Act of 1988" which can be used in cocaine processing to Latin America.
- 3) Chemical seizure evidence suggests that chemicals produced in the United States are being used in illicit cocaine jungle laboratories. For example, in a recent joint operation by the Colombian government and U.S. advisors, the Colombian police seized 1,120 metric tons of four controlled chemicals at 17 jungle labs in Colombia within a three-day period. Evidence from the seizures indicates that some of the seized chemicals originated in the United States.

The new authority and controls contained in the Chemical Act, which becomes effective in March 1988, give DEA

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important mechanisms with which to develop and collect more pertinent data regarding sources of supply and the availability of listed chemicals, both domestically and internationally. This will enable DEA to make a more definite calculation of what is intended for legitimate consumption versus the illicit traffic.

QUESTION: Can you characterize the relationship that the DEA has with U.S. pharmaceutical manufactures and wholesale distributors?

ANSWER: DEA enjoys an excellent relationship with the pharmaceutical industry. DEA promotes this spirit of cooperation through discussion groups such as the informal DEA/Industry and DEA/Distributors Working Committee Groups that meet on a quarterly basis to discuss issues of concern and provide input on on-going activities. DEA also pursues an aggressive liaison program with major pharmaceutical associations and other industry working groups and committees.

DEA Educational Efforts

QUESTION: Mr. Lawn, as you have indicated in previous testimony before this committee, law enforcement is not the only answer to fighting drug abuse. . .educating our youth is also crucial." Earlier this week, I saw a report in the papers that drug use by teenagers is on a rather marked decline. In your tenure, you have heightened the agency's awareness about the need to be involved in educating our youth, and in general speaking out about the need for "demand" reduction. In FY 1990 will you increase your efforts to reach out to schools? What amount of your budget will support this program? Would it be useful to begin a program of bringing DEA agents into schools to speak to teenagers about drugs?

ANSWER: In 1990, DEA will increase efforts to reach as many schools as possible to educate students about drugs and the problems associated to their use. Through a 1988 reprogramming, DEA formally placed Demand Reduction Coordinators in each of its 19 Divisions. DEA plans to add part-time demand reduction coordinators in resident offices, thereby expanding the current Demand Reduction activities to reach a larger number of schools in 1990. DEA anticipates allocating approximately \$1.4 million in program funding for Demand Reduction in 1990. This does not include the costs associated with staffing, which is an additional \$1.6 million.

DEA has found that part of the glamour and success of its Demand Reduction Program involves the use of sports figures and celebrities who serve as role models and help to draw interest. DEA serves as the catalyst in demand reduction by stimulating interest in demand reduction activities, particularly among professionals such as contract speakers, coaches and teachers who deal directly with the students on a daily basis. Agents are currently

involved with the program and speak to teenagers, but the primary focus is on sports figures, celebrities and personnel that deal directly with educating our teenagers on the current drug problem.

DEA State and Local Task Force Program

QUESTION: The justification (pages 36-40) highlights the DEA's State and Local Task Force program, and the success that it has been achieving. In FY 1990 you are requesting 260 positions and \$32 million (an increase of 27 positions and \$4.1 million) to enhance this effort. What are your goals for the State and Local Task Force program in FY 1990? How has the program been received in the field?

ANSWER: The goals for the State and Local Task Force program continue to be to facilitate a maximum contribution from State and local governments and engender intergovernmental cooperation in order to reduce drug availability and immobilize major drug trafficking organizations at all levels. This program is well received by DEA field offices and State and local governments, as evidenced by the increasing number of requests for new task forces.

QUESTIONS SUBMITTED BY CONGRESSMAN REGULA

Drug Enforcement Administration

Cooperation with Foreign Police Forces

QUESTION: What is the working relationship between DEA and foreign police forces? Are there any particular problem areas, either geographically or politically?

ANSWER: DEA continues to have outstanding working relationships with foreign police forces, including such politically sensitive areas as Latin America, particularly Panama. This relationship is maintained principally because DEA's mission is viewed as law enforcement, rather than political or military. DEA is present in foreign countries at the invitation of the host government; and, therefore, could be asked to leave if insurmountable problems existed.

State and Local Task Force Program

QUESTION: You are requesting \$4,162,000 for State and Local Task Forces. How are these task forces working?

ANSWER. The State and Local Task Force program has been very successful. Besides the statistical measures of arrests, convictions, drug and asset seizures that are highlighted in DEA's budget submission, the task forces have been a successful means of increasing the cooperation between Federal, State, and local law enforcement agencies

in the fight against drug trafficking. This degree of cooperation allows local law enforcement to attack higher level traffickers than would otherwise be possible. The program also makes significant contributions through the development of intelligence, particularly in reference to violators that were previously unidentified. Perhaps the most meaningful measure of success for the State and local law enforcement agencies is the ability to generate substantial revenues through asset sharing. Because of asset seizures, the task forces seized more than three times the amount that the entire program cost the Federal Government in 1988. Additionally, in 1988, with an investment of only five percent of DEA's total budget availability, the task force program was responsible for 24 percent of the total DEA arrests, and 13 percent of the total assets seized by DEA.

Guerrilla Involvement in the Drug Trade

QUESTION: It appears from news sources that Drug Enforcement Agency personnel conducting overseas operations are increasingly being used in areas where querrilla insurgencies exist, such as the Upper Huallaga Valley in Peru. Since it is not the mandate of the DEA to fight insurgent forces, how does the agency draw the line between shutting down foreign drug operations and clandeatine laboratories, and preventing its involvement in guerrilla warfare?

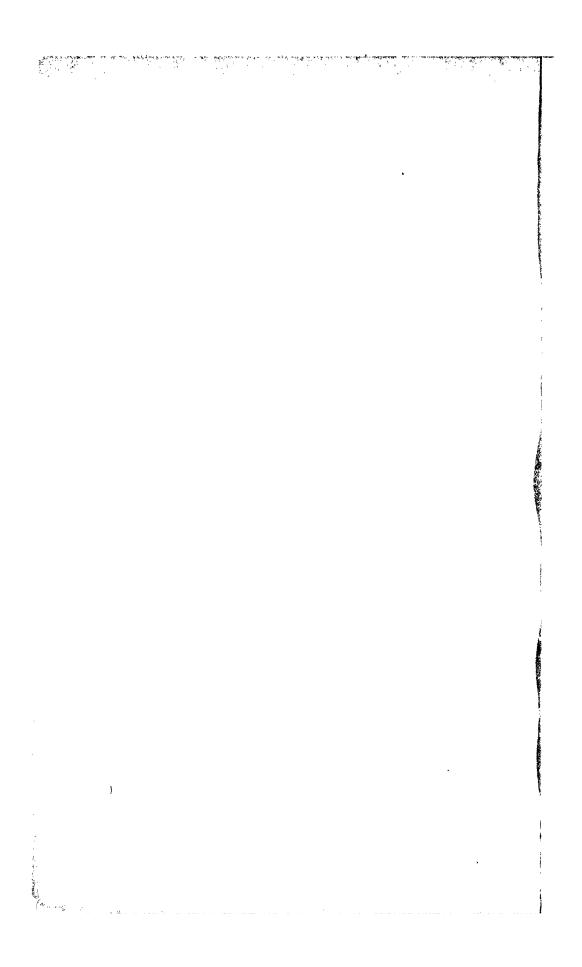
ANSWER: DEA does not participate in direct law enforcement functions in overseas operations; i.e., DEA does not effect arrests or become involved in situations where shooting may result, in accordance with the provisions of the Mansfield Amendment. First and foremost, DEA acts primarily in an advisory capacity, providing training and supplies to the host country's police agencies. Other activities include the collection of timely intelligence information to support enforcement efforts against cocaine trafficking, which lead to the investigation and prosecution of major cocaine trafficking organizations.

DEA agents may only use weapons when protecting themselves or other officials participating with them. Because DEA's mission is drug law enforcement, DEA agents do not become involved in local guerilla warfare. In the event our agents are threatened, they would be immediately evacuated.

QUESTION: In areas where there have been allegations of querrilla involvement in the drug trade, is it even possible for the DEA to prevent its involvement? How is a situation such as this handled?

ANSWER: DEA closely monitors, analyzes and evaluates all allegations concerning insurgent/guerrilla links to the drug trade. To date, DEA has no information indicating that these groups are directly involved in drug

trafficking. However, some of these groups, such as the Revolutionary Armed Forces of Colombia (FARC), derive some funds from drug traffickers through extortion. Traffickers often operate in areas with little government control, establishing cocaine processing facilities and clandestine airstrips. These are the same areas in which guerrilla forces reign. Anyone wishing to operate in these areas must pay for the privilege. Although this situation is of concern, DEA cannot prevent guerrillas from extorting funds from drug traffickers.



THURSDAY, MARCH 2, 1989.

ORGANIZED CRIME DRUG ENFORCEMENT

WITNESSES

JOSEPH D. WHITLEY, ACTING ASSOCIATE ATTORNEY GENERAL FREDERICK W. KRAMER, STAFF DIRECTOR

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-TRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Introduction

Mr. Smith. We will now hear the testimony on the new Organized Crime Drug Enforcement appropriation. The Department recommends \$214,921,000 for this account to be derived almost totally by transfer from other appropriation accounts. As I recall, this account operated this way a few years ago, did it not?
Mr. WHITLEY. Yes, sir, that's correct.

Mr. Smith. How long ago?
Mr. Whitley. In 1983 and 1984 the appropriations for the OCDETF Task Force agencies were consolidated.

Mr. Smith. And now we're going back to the old system?

Mr. Whitley. Yes, sir. This is a return, Mr. Chairman. Mr. Smith. We will insert your justification materials in the record at this point and you may proceed with your statement. [The information follows:]

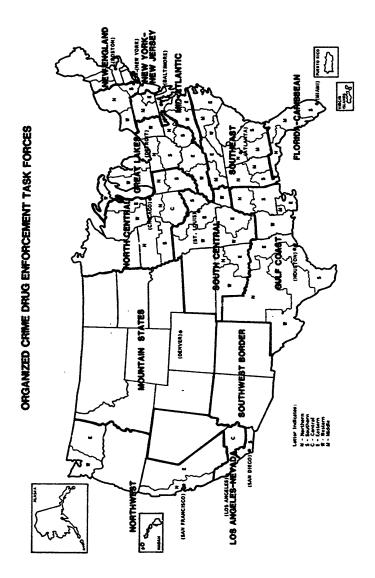
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Organized Crims Drug Enforcement Estimates for Placel Year 1990 Intersency Law Enforcement Department of Justice

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Justification of Program and Parformance
Drug Enforcement Organisation Chart.



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Interesent Lay Enforcement

Organisso Crime Drug Inforcement

Busmaxy Statement

Flegal Year 1920

The Organized Crime Drug Enforcement (OCDE) Task Force Program is requesting, for 1990, a total of \$21,921,000, which can fund 1.826 reimbursable opticions, and 2,741 reimbursable workyears. This request represents an increase of \$8,045,000, which can fund \$4 reimbursable workyears, over the 1900 base. Pursuant to Section 1039 of the Anti-Drug Abuse Act of \$7.000, 0.000, the Department of Justice is requesting a single appropriation request for the OCDE Task Porce Program. The 11 agencies participating in the OCDE Task Porce Program vill be reimbured from this single appropriation appropriation in the intiative. A transfer of \$206,876,000, which can fund 2,732 reimbursable positions and 1,603 reimbursable workyears, from the participating agencies is proposed to establish the 1990 base for the OCDE Task Porce Program.

The OCDE Tesk Force Fregram constitutes a nationvide attructure of 13 regional Task Forces that utilises the combined resources and expertise of its 11 sember Federal seancies in ecoperation with State and local investigators and presenters to terget and desiroy asjocitor excellential in 1982, give out of the realisation that effective and comprehensive attacks on major drug organizations are offered bypond the capatity of a single agency. The fallowing are the 13 Task Porce regions with the headquarters ofty for each task force listed in parenthesis: New England (Boston); New York/New Jorcey (New York) Mid-Atlantic (Battaces); Southware (Atlante); Oulf Coate (Southon); South Control (Et. Louis); Newton Control (Southware (Son Diego); and Florida (Angeles/New Jorcey) and Florida (Mariba (Mantal Oner); Los Angeles/Newde (Los Angeles); Neuthware (Son Propo); and Florida (Masta) and Mantal (Masta).

A multifaceted attent on highly suphisticated drug cartels requires unique capabilities combined into a comprehensive and ordesitrated investigation and projecution. Thus, for example, by uniting the physical and electronic surrelliance abilities of the Paderal Bureau of Investigation and promised and and finance in an intensity knowledge of the Internal Revance Service (188), the Bureau of Alechol Tobacce, and Firesens (SAFF) shills in vegons investigations, the resources of the U.S. Control Revance Service (1885), the Bureau of Alechol Tobacce, and Firesens (SAFF) shills in vegons investigations, the resources of the U.S. Control Manually Service's (1885) and Firesensians and Beruralization Service's (1885) asserting inlegal allens, and the U.S. Marchal's Service's (1988) authorities, the full forces of the drug enforcement community are brought into an investigation. The OCCE Task Porce Program further broadens that the local intelligence resources of State, and local law and and and dad to the impact by utilizing attornay's shills at the serilest attace of investigation. Contributing resources to the presecution of OCCE Task Porce Program cases are the U.S. Attorney, Crimical Division and the Tax Division.

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The 1990 request for the OGDE Task Force Program consists of two budget sotivities indosporating the resources of the 11 member agencies. The budget activities are Drug Enforcement and Prosecutions. The major initiatives and resource requests for 1990 for these activities are summarised below.

us Enforcemen

This activity provides resources for the investigations conducted by the 13 regions! OCDE fask Forces. The total funding requested in 1990 for this budget activity is \$167,319,000, which can fund \$7,337 relabureables and 2,071 relabureable workyears. It represents alsoes 78 percent of the funding request for the OCDE fask Force Frages in 1990. This activity provides resources to relabureable and orders agencies in the Department of Justices, Department of the Freezury and the Department of Transportation for investigations activities related to the OCDE fask Forces. The focus of Task Force investigations is on the organized criminal enterprise landership involved in drug trafficking and the breakup of the infrastructure of organized exterior. This includes the setures and derfeiture of assets of espanized criminal enterprises invelved in marcetics trafficking.

A progress increase of 80,015,000, which can fund 94 reimbursable positions and 48 reimbursable workpants, is requested for 189. These resources will permit 188 to participate acce offeetively in asjet interagency drug and organised erims interactions and expend expendence and anticipate acceptance calculated interaction interaction to resource 188 has diverted from its forestigation Progress into the CODR Task Price Progress and will supent the basis investigations Progress workload which includes enforcement objectives related to employe searcions, the Alien Criminal Approbantyon Progress, and fraud esses.

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The prosecution activity request for the OCDS fask Porce Program in 1990 totals 447,591,000, which on fund 609 relaburable positions and 470 relaburables to the CODS fask Porce Program Gudding which will be used to relaburate the U.S. Attorney, Criminal Division and the Tax Division for their presenterial efforts treated CODS Task Porce cance. Each of the 13 restormey, Process to accordanced by a senior U.S. Attorney. The thrust of the CODS Task Porce presenting estivity is to encourage the maximum livel of cooperation at the district level by merchaling the efforts of Pedral and local presenters in these essented drive of the U.S.

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Organized Grime Drug Enforcement

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. New language is undersoored and deleted matter is anciosed in brackets.

Organized Crime Drug Enforcement

For assessery expenses for the despeation, investigation, and prosecution of individuals involved in orsenless oring other despeated by orsenless oring other despeated by the constitution of individuals.

(Anti-Drug Abuse Agt of 1988 (P.L. 100-690), Additional authorising legislation to be proposed).

Explanation of changes

1. Pursuant to Section 1035 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690), beginning in 1990, the Department of Justice is required to submit a single appropriations request for the OCDE fask Porce Program. Based on this provision, this appropriations language request reflects the consolidation of resources by transfer from the 11 participating OCDE fask Porce agencies in 1990.

Intergency Law Enforcement Organized Crise Day Enforcement Summary of Requirements (Dollars in thousands)

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1. Drug Enforcement	:	÷	:	2,043	2,023	\$159,285	2,137	2,071	\$167,330	ž	;	\$8,045
2. Prosecutions	: ;	:	:	689	679	47,391	689	65	165'44	:	:	:
Total	:	:	:	2,732	2,693	206,876	2,826	2,741	214,921	z	7	8,045
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End-of-Vear Employment: Full-time permanent	-	• `	6	2,732	۰.	2,732	2,826	۰	2,826	ā	۰	8

The positions and vortypass reflected throughout the exhibits of the OCDE appropriation budget are reimbursable for the participating agencies.

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Drug Enforcement Administration.	:	:	:	762	749	868,366	762	;	868,366	:	:	:
Federal Bureau of Investigation.	:	:	:	637	637	51,589	637	637	51,589	:	:	:
Immigration and Maturalisation												
Bervice	:	:	:	:	:	:	*	7	8,048		;	88,048
U.S. Marshals Service	:	:	Ξ	2	13 13	1,014	2	2	1,014	:	:	:
U.S. Gustens Service	:	:	:	226	226	14,461	336	226	14,461	:	:	:
Bureau of Alachol, Tobacco,												
and Pirearms	:	:	:	135	135 128	8,612	133	133 120	8,612	:	:	:
Internal Revenue Service	:	:	:	260	360	14,413	360	260	11,413	:	:	:
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To terget and investigate individuals that organiza, direct and finance high-level illagal narectics trafficking enterprises.

To make full use of financial investigative techniques and forfeiture actions, thereby enabling the Pederal Ocvernment to seize assets and profite derived from necestics trafficking.

To promote a coordinated drug enforcement effort in each of the 13 Task Force regions.

To encourage maximum cooperation among all drug enforcement agencies.

To work faily and effectively with State and local law enforcement agencies investigating illegal nercoties trafficking.

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Mass Transman Distribution: OCON Task Perca operations are planted and coordinated through a network of committees representing perticipating agencies and are under the general direction of the Associate Attorney General Formulates general polity and monitors the program with the assistance of a small administrative unit in the Department of Justice. In each of the 13 regions, the U.S. Attorney in the "one city" manages task force administrative unit in the Department of Justice. In each of the 13 regions, the U.S. Attorney in the "one city" manages task force ansure through the Task Porce Geosfanating Group. This group paperuse and monitors all task force investigations in the region to ensure that investigations are consistent with program goals and objectives and that appropriate interagency coordination takes place.

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Individual task force asses are investigated and presented by multi-agency teams in the judicial districts within the region. In each of the judicial districts that make up the region, the local U.S. Attorney hades a district drop enforcement coordination group, which includes the senior agent from each participateing agency efficie in the district. The district coordination group everses task force includes the senior agent from each participateing federal agencies and dish facts and ideal law efforcement subportises. Agents and attorney in individual task force cases reach under the direct supervision of their respective agencies, but conduct investigations jointly with other task force agence agence and attorneys. Leadership responsibility for a specific case is decided on a case-by-case basis and assumed by one of the investigative agencies.

DEA, the lead drug investigative agency in the Federal Covernment, is also the largest contributor of resources to the OCDE Task Force Frogram. DEA is charged with managing the investigation and apprehension of major drug traffickers, propering lilicit drug cases for prosecution, and estimborating with Federal, State and local law anforcement agencies on drug investigations.}

to its also working relationships with other Federal law enforcement agencies. Did has always worked with fitter and less law
enforcement agencies in both formal and informal task force operations. Did has engaged in cooperative lawestigative activities because
it has law recognised that the cooperative of the due trace is unto that writed forms of apperture are encaded or combar during
traceficiting effectively. State and lessi law enforcement agencies play a major role in the cooperative picture. By Did providing the
fitte and lessi law enforcement agencies with evertime and expenses, the OODF feat Prozes has paved the way for increased fitte Historically, DEA has been an organization heavily involved in cooperative efforts similar to the OCDE Task force Progress. In addition and local participation. Fach Task Porce case is, by nature, a multiflecated investigation selected at the outset by mutual agreement. Each OCDE Task Perce case that is initiated is guaranteed to have the coperative experties of the entire Pederal drug law enforcement community. DEA and the PBI are highly shilled the planning investigations, using surveillance, and retricting criminal records; the U.S. Customs Earlice and IMB are expertly equipped to intercept drugs and drug violators entering the Outsed States; and the Internal Revenue derrices to perstaularly accessing indetermining individually not verth and in pentantants affects designed to disguise constably of assets. The combining of these resources provides a formidable vespon for the enforcement of Pederal drug laws.

DEA continues to share expertise with other agencies and has also benefited from the exposure it has had to other dissiplines in the Paderal drug law enforcement community. DEA has become increasingly profiticant in all aspects of financial investigations, organized orize penetration, and other areas due in large part to its relationship with other Teak Porce agencies. As a lead drug intelligence agency, DEA also contributes valueble asperties to the OCDE Teak Porce Program the El Paso Intelligence Conter (EPIO).

The PSE stresses long-term complicacy invastigations, utilising a vide variety of suphisticated invastigative techniques, including fittle III electronic surveillance, concensual monitoring, undercover operations, and financial itsy invastigations. The PSI has committed resources to cases against naroutics stallicities groups made up of traditional organised oriminal groups, La Cosa Hestraficialism Media, Colombian/South American, Hestrafi, as well as Outlaw Morcoyale Cange and other non-traditional original status.

The PRI is totally committed to the OCDE Task Porce initiative as a drug enforcement program designed to supplement and enhance ongoing investigations of multi-justicational drug traditions expensively expressed to be the most effective and efficient method of investigation. OCDE investigations, by definition, are in conformity with the PRI's Retienal Drug Strategy. The PRI has found the OCDE Task Porce Program conneys to be fully compatible with its factional Drug Strategy.

The U.S. Marshals Service provides a criminal investigator on site at each OODE Tank Porce location as a liminon and coordinator between the CODE Tank Porce and the U.S. Marshals Service. These coordinators devote much of their time as fully participating members of Tank Porce investigative investigations, cour security, and vitness security have all been valuable in CODE cases. Since many CODE Tank Porce asset target the fruit of the orism's, the U.S. Marshals derived a Profesture and Porfesture Program has provided assistance in CODE Tank Porce estime and Serfesture actions.

Involvement with the OCDS fast Perce Fregists has enhanced the U.S. Customs Service's ability to utilise the previsions of the Bank Secrety Act to conduct financial investigations resulting in the arrests of the violators and forfaiture of their sastes. In turn, the OCDS Tark Perces have been able to utilise the freshung financial Lav Enforcement Center (FLEC) to substantially enhance their investigative resulters the toutilise the cutilise for the U.S. Customs Service, are also northined repository for financial information generated under the provisions of the Bank Secrecy Act. The OCDS Task Porces, vorking closely with the U.S. Customs Service, are able to utilise the FIPUS meeting to assist in obtaining supperment and grand jury socien for the purpose of identifying, and shelling servicions of and just sentences for OCDS-training valences.

Over the past several years, drug enforcement officials have vitnessed a universal and alarming trands increasing numbers of drug violators are using firearms and emplosives in furtherance of their illegal enterprises. Therefore, the Bureau of Alcehol, Tobacco, and Pisearms (AATP) is an essential component of the CODE Task Porce Frogram. In the CODE Task Porce Program, BATP special agence focus that investigative efforts on major drug traffickers who also violate laws enforced by BATP. Because of their consistent reputation for unitng tuns and emplosives, special emphasis has been placed on identifying outlaw motercycle gangs traffiching in drugs as tergets of, CODE Task Porce investigations.

through its Criminal Invastigative Division, the Internal Revenue Service has been an active participant in the OCDE Task Force Frogram. In addition to the investigation of narcoties traffichers' violations of the income tax lave under Ittle 26, the Internal Revenue Berrice has been extively investigation of money lumbaring operations under Ittle 31 and completely under Ittle 16. Internal Revenue Service agents provide appreties in financial drug investigations. The Internal Revenue Service's demonstrated financial investigations. The Internal Revenue Service's demonstrated financial investigations.

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lavertigation and prosecution of many GCDE Tesk Force cases. Because of streamlined grand jury request procedures, Internal Reveause Service agents are able to participate in the developmental stages of investigations and, while certain legal limits are still in force, two an ecoperate and harte information with other last Force agencies. With the apposite process, the alaysed time from completion of the investigative stage to indicatent of Internal Revenue Service OCDE Task Force cases has been reduced. It has become increasingly clear that by combining the apportise of the internal Revenue Service agents, evidence of the Internal Revenue Service agents, evidence of the Internal Revenue Service agents, evidence of the source of funds obtained from narcotics activities can be combined with evidence of the empenditure of funds with income tax consequences to improve the Federal Covernment's chances for the successful presecution of an OCDE Task Force

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The U.S. Coast Guard has assigned full-time coordinators to OGDE Task Portes around the country. Since the Geast Guard's million is purely interdiction, it is in a unique position to be a part of a program etherwise comprised of investigators. It has no standard investigative role, per se, and as a result, the Gonat Guard Goordinators are assigned a veriety of responsibilities according to their emperations and appositives, maided with the meads of their responsible Goordinators perform three basic distributions in date and an according to their responsibilities in date of the first and a velocity as a velocity as a velocity as a velocity in the fisting, not only with the Geart Ourse Literal, but also well the Gonerous of Defause military services, the Mational Marcetica Border Interdiction Spatem and EPIC; and, providing valuable intelligence and guidance on easee with maritime connections.

Associatement and Varients DRA continues its extensive participation in the OCDE fash Porce Program, proceeding a coordinated drug enforcement effort in each task force relation. In 1984, DRA devoted marily 874,000 verkbours to OCDE investigations. Not of these verthouse supported investigations of the highest leaved drug trafficking organizations, Octo Olace I. DEA plans continued commitment to the program in 1890 at apposituately the same rate of overall anse participation.

In 1988, DEA successfully targeted, investigated, arrested, and assisted in the conviction of high-level drug traffickore, soised their seasts, and destroyed their drug trafficking networks. DEA participated in ODE Task Porce investigations resulting in the arrest of 2,331 individuals and soised 34 kilograms of herein, 1,903 kilograms of onesins, and 11,700,000 desses units of dangerous drugs. DEA also seized \$182 million in assets in OCDE Task Porce cases in 1988 or 18 percent of all DEA asset

While statistical assempliahments reflect the extent of DEA's involvement in the OCDE Task Force Frogram, individual cases illustrate more powerfully DEA's OCDE accemplishments:

In December 1987, DEA, along with the PRI, the Bureau of Alcohol, Tobacos, and Pircetes, the U.S. Guitees Bervies, and the Himi Police Department erraised seven defendants in a criminal network that extended from southern Florida to Detroit and select approximately \$2 million in assets. The defendants were arrested on a veriety of drug-related charges, including imperation and distribution of accesses and marijuans, resketering, conducting a continuing orizinal enterprise, and compirately the indistant charges that this enterprise brished police officers to protect its illegal operations and used force and violance, including the marder of a RFT informate by metilation and burning. During the 10-year periad covered the indicement, this erganisation is estimated to have grossed \$75 million.

In Polycusty 1988, nine manbers of a prominent Tersell erganised original group based in New York City were arrested on abarges of manufacturing and distribution of controlled substances and properties valued at over \$1 million were ested. This organization demonstrates the interactional networks that traffic drugs: It was headed by an Israell Meslem (whe was mundered in front of his base in New York City in January 1988), and members arrested included Israell Christians and Jews, Russians, an Iraqi, and a Jordanian. The group had been under investigation alone 1986, and had sold herein, samples of seesine, and successit waspeas with tilmness to undersower DEA agents. During the course of the investigation, three electronic autwestilance operations were conducted in Miani and Beston, manned by the Israell police in cooperation with United States law enforcement agencies.

Examples of the Phi's involvement in the OCDE fask Perce Program are reflected in the fellowing cases:

Over the past two years, the PBI has directed an international OCDE Task Porce investigation focused on heroin importation and distribution by featible dry, traffiching groups and tells original associates in the busined States and Italy. These Italian dryg traffichers had been emgaged for years in routine and stately interrupted importation and distribution of heroin free Southeast Asia through Italy, Stelly, and into the United States. Approximately 200 high-leval Italian traffishers have been charged with drug traffiching violations in the United States and Italy. The PBI's Ser York Field Office seized 11 kilograms of heroin, approximately \$37.000 in cash, four art pictors valued at \$750,000, assorted expensive jeweity, mamerous valuable for costs, 11 handsuns, 17 silter and abstigual, and one hand greated.

An OCDE undercover operation was directed against Colombian drug trafficking organisations operating in the United States.
This ionstreer, unstanded investigation nursalised seven drug trafficking organisations. It resulted in the indicates of 93 individuals, esture of 11,000 pounds of consinct 11,000 pounds of marijuan and over \$1 million in eab. The investigative objectives of the networks was acceptabled directled and matisations planning. In the course of the undercover operation, the traffickers identified themselves as representatives of Phile Beshey and other major isolates of the Wedslin Cartel. This investigation was international in scape and used numerous inmovetive plays to states and masses the investigation.

In 1988, the PMI lead a joint OCDE investigation with support from DEA, the Internal Revenue Service, and the Virginia State Police, into a large cocains and heroin trafficking network of Washington, D.C. area Stellian Wafes assessates. The asse involved a sophisticated undercover operation and attentive use of court-sutherised electronic surveillances. This involved into Interest inked Stellian Wafes residiates and their close associates with Colombian drug traffichers in the describing of large amounts of cocains in the United States.

7:0 PBI recently concluded a two-year OCDE undercover case directed at an international Chinese herein impertation network which obtained its heroin directly from Bong Kong. This drug cartel had worldwide distribution routes. In April 1988, this investigation culminated with similtaneous arrests in Bong Kong and the United States. Slayen subjects were arrested in Hong Kong and appoints of haroin were select. In the United States, sight subjects were arrested and 26.3 peuds of herein were select. The Bureau of Alcohol, Tobacco, and Pirearms, assisting in this case, arrested six individuals in New York and recovered 50 machine guns.

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During the period of January 1, 1988, through November 30, 1988, special agente from INS have participated in 137 OCDE investigations formally accepted by the core-city coordinating groups. To date, INS has been designated as the lead or co-lead in 48 accepted OCDE Task Porce cases.

During 1988, the U.S. Gustoms Service supended 436,304 agent investigative vorkhours on GODE Task Porce investigations. Seventy-one percent of Customs Service investigations. The U.S. Customs Service perticipated in We percent of all GODE Task Porce cases initiated in 1987 and was invglued in 11 percent of all indictments.

In 1988, investigations in which the Customs Service participated resulted in 930 arrests, \$25 million in currency seized, \$70 million in property seized, and \$11 million in criminal and civil fines. Currency and property seizures were up by 43 percent over 1987. A large portion of the currency seizures resulted from Cources of course investigations which identified and targeted anjor drug money launderers. The OCDE Tark Force cases in which the Currons Service participated resulted in the seizure of 4,931 kilograms of consine (up 40 percent over 1987) and 191 kilograms of heroin (up 90) percent over 1987).

Two successful OCDE Task Force cases completed in 1988 illustrate the Customs Service contribute to the Program.

In March 1988, 11 individuals were arrested on conspirator to violate provisions of fitts 31. These arrests, and subsequent guilty pleas, followed a longthy GODR lank Force investigation conducted by the Customs Service, the Investigation to the control of the Customs Service and Barana Service and Eds. Three Rebrew Insugates wire interests of California and New Jersey. The investigation distinces a sajor sensy laundering in New Jersey, Manhigston, and California, which had laundered millions of dollars by converting each to present in New Jersey, Manhigston, and California, which had laundered millions of dollars by converting each to personal chocks, canhiers checks and money orders for transport to Panama and Colombia. The organization also violated provisions of the Bank Secreey Act by transporting currency or negotiable instruments on international flights from the Process of States to England, Israel, and West Gormany. At the time of their arrests the money launderers were in the process of establishing businesses designed to successfully wire transfer large summer of Kneds out of the Ontred States.

In October 1988, the largest, most labor intensive money laundering investigation ever undertaken by the Gustome Service was concluded with indicaments of numerous members of a Colombian based constin smagiling and money laundering organization. The investigation targeted the illegal superation, or laundering of in excess of \$10 million produced by the illegal sale of constin in a number of United States ottion. The underection of the investigation involved the work of more than 20 windercover Gustomes agents. A large international financial institution and several of its officers and employees wern indicated. The underected peration of more than 20 windered. The underected peration of more than 20 windered. The underected in Grant States in Orest Definition of Managara of Indicated in Grant Britain and France, focused the attention of law enforcement and the public on the use of international financial obsenmed and whose of drug processed.

During 1988, the Bureau of Alcohol, Tobecco, and Firearms participated in 810 investigations initiated by the OCDE Teak Porces, referring 411 ceses and 798 defendants for prosecution. Further, the following property was taken into BATP property: 1,248 handense: 1,097 rifies; 692 shotguns; 37 silencers; 48 machine guns; 139 destructive devices; 40,434 counds of ammunition; and 94.5 pounds of applosives.

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In 1980, the Internal Revenue Service participated in nearly 70 percent of the total investigations initiated in the OCDE fask Force Program. These efforts resulted in 730 recommended presentions, 601 indictments and 490 convictions. The Internal Revenue Service contributed an increase of 12.9 percent in staff vortysers in 1980 over the level in 1987. They remain the largest contributor of resources from the Department of the Treasury.

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Representing an interdictive agency, the U.S. Coast Guard continued to assume a variety of functions that complemented the work of the various task forces in 1988 providing valuable intelligence and guidance on OCDE Task Force cases with maritime connections.

Workload of the OCDE Task Porce Program is presented in the following table:

				APE LONG SE
Ileal/	7967	198	2821	1920
Investigations	104	171	517	967
Indictments	1,176	1,332	1,527	1,731
Individuals indicted	3,492	4,749	5,619	6,649
Convictions	2,179	2,234	2,576	2,971
Seleures (in millions of dollars)	6141	8350	8400	9460
Forfeitures (in millions of deliars)	\$21	\$107	\$134	8168

() Workload statistics for the OCDE appropriation were devaloped by the OCDE Task Porce Administrative Staff and represent the entire program. Workload statistics for each agency's involvement in the OCDE Task Force Program are reliected in their own budgets.

Perence Charace:]:	3	Pern. Pern.	7	Zer.	-	Indreses/Postess Porm.	470	BEEAAR
Immigration and Maturalisation	12	Ħ	Авена	707	Ħ	ZOAL MY AMOUNT ZOAL WY AMOUNT ZOAL MY AMOUNT	1	벍	AMOUNE
Service	÷	:	:	:	;	540,88 84 46 68,045	=	;	\$40,045

A program increase of \$8,045,000, which can fund 94 relabursable positions (including 75 oriminal investigators) and 48 relabursable workpases, is requested for the OCDE appropriation in 1990 for IMS. These resources will permit IMS to participate more effectively in major interagency drug and organized orime investigations and expand approbantion and expedited deportation efforts egainst criminal aliens.

IMS has never received resources for its involvement in the OCDE fask Porce Program. Instead, IMS has had to divert base resources toward this important initiative. It was recognised that IMS could substantially broaden task force coverage by fits statutory authorities under the immigration laws. This increase will offest the resources IMS has diverted from its investigations Program since May 1987 into the OCDE Task Porce Program and will augment the basic investigations Program workload which includes enforcement objectives related to employer sanctions, the Alien Graminal Apprehension Program, and fraud cases.

	1989	Appropr	1989 Appropriation									
Activity: Prosecutions	1	Anticipated	Pos		990 34	1990 Bese	185	Set.	1990 Estinate	_Ingresse/Degress	207 a 2 a	22022
	Perm.			Perm.			Perm.			Pers.		
	787	뒥	AMOUNT	2	뉰	Amount	181	뉰	Amount	102	ᅿ	ARGUDE
U.S. Attorneys	:	:	:	.9	652	669 652 \$45,788	699	652	845,788	:	:	:
Criminal Diwision	:	:	:	•	•	662	•	•	6 6 662	:	:	:
Tax Division	1	1	1	7	7		7	7	1	1	1	1
Total	:	:	:	689	670	47,591	689	670	47,591	:	:	

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Lana-Ransa Coni. To reduce the incidence of organised criminal involvement in all aspects of illicit drug activity in the United States through the prosection of members of high-level drug trafficking enterprises.

Malor Oblectives

To prosecute individuals who organiss, direct, finance or are otherwise engaged in high-lewel illegal drug trafficking enterprises, including large scale somey teundering organisations.

To promote a coordinated drug enforcement effort in each task force area, and to encourage maximum cooperation among all drug enforcement agencies.

To work fully and effectively with State and local drug enforcement agencies.

To make use of financial investigative techniques, including tax lav enforcement and forfeiture actions, and to make possible Government seiture of essets and profite derived from high-lavel drug trafficking cartels. BASE PROXIME DESCRIPTION. Such of the 13 Tesk Force prosecution units consists of attorneys and support staff coordinated by a core-city U.S. Attorney who is accountable to the Associate Attorney General on matters pertaining to conduct of the OCDE Tesk Porce. The thrust of the OCDE Tesk Porce presecution program is to encourage the maximum level of cooperation at the district level by maximum level of cooperation at the district coordination of the referrer of Pederal and local prosecutors and making the core-city U.S. Attorney responsible for the coordination of the Tesk Porce.

The OCDE Tesk Perce Program Laplements a major Administration haltinity to combat organized crime and drug abuse. The program represents the utmost degree of cooperation and coordination among Federal, Etate and local law anforcement agencies. One of the key elements of the program is the abstring of resources among drug law enforcement agencies to fight drug trafficking. The 13 regions identify, investigate and prosecute ambers of high-lawel drug trafficking encaprises to descroy the operation of these organisations. The range and nature of the investigative rechaiques requires continuing and intensive participation by Assistant growing out of investigative extrapy and in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper, and admissible.

The Administration's OCDE Task Porce initiative against organised drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cease. For sample, many OCDE Task Porce investigation depend during intent to other vividence on the activities of verageders. By law (18 UG 2316), all electronic surveillance must be suthorised by the Attorney General or a designated Assistant Attorney General. Before authorisation, each application is reviewed by Criminal Division parsonnel, and a recommendation is made to the Assistant Attorney General. Then, following authorisation of sither a virtue or the virtuals interception of communications, reports must be collected and reviewed on the fruits of the survisillance. In addition to employing electronic neverallance techniques, many OCDE Task Porce prosecutions ray on virtuass whose personal affect is endangered by criminal elements. A prosecutor seaking to agrange for the protection of a vitness, etc., by providing guards, by relocating the vitness out of the danger area, by securing a may identity for the vitness, etc., must submit a request to the Criminal Division for review vitness.

) |}}.- The Fax Division attending serve as itaien to the 13 regional OCDE Teak Porces and provide litigation support, advice, and drugitar related legal aspecties in OCDE Teak Proces cases. Tax Division securings constructed the drugitar related decist of 25th OCDE.

Task Proces to ensure that timely solicioned to provided in investigations and presentions of major narcetical decists. Tax

Division OCDE attensory also assist the OCDE Teak Porces in financializat investigations and in cases under appeal which involves
extremely recharact and complax tax-related taunes. The involvement of Tax Division OCDE attentys in these drugitar-related cases
to entrainery as a Mose cases typically require lengthy grand jury investigations and numerous defendants such of whom is obstruct

Aggomaliabments and Workload: OCDE Teat Perce Program prosecutors continue to go effort the principal leaders involved in the depotention and described on the seaso, in 1897, a Continuing Crisinal Recreption (CCD) course to loaded against Occasing F. Saith for his role as kingpin in a long-steading dury trafficient organisation. Total state 200 kilogram of cocasins was transported from South Florida and distributed in the Eastern District of Virginia. The lowestigation techniques seploped vers investigation that particle and attract of the seasons of the seasons of the seasons of \$230,000 time and diversingation, pen registers and inswelly. Wr. Saith was sentenced to life imprisoment vithout particle and a \$230,000 time and diversingation and a \$230,000 time for the Widdle District of Louisians which was to be the site of a cocaine conversion list.

In May 1986, after the long-term efforts of the OCDE attorneys, Carlos Lander Rivas was convicted of running a sophisticated drug sawgiles conspiracy that imported hundreds of millions of dollars worth of cocains into the United States in 1979 and 1980. The conviction is considered the most successful assault on the powerful Medallin cartel, a violent conglomerate that controls as much as 80 persons of the cocains that has flowed the Worted States in recent years. In all jury returned varieties of guilty on 11 country of a 1981 indictment involving about 3.3 tons of cocains accepts flow to Georgia and Plorids, but evidence uncovered by the U.S. Attorneys linked Lebder's organization to as much as 80 tons of cocains amugiled into the United States over an eight-year period anding about 1985. Lebder was sentenced to life lappisoment on a CGE charge and 135 years consecutive to the life sentence on the other counts. A prospective follow-up case indicament is expected which will include charges against other key members of the

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In 1988, the Criminal Division reviewed 186 electronic surveillance applications, 30 vitnesses were accepted into the Vitness Security Program, 132 extradition requests were transmitted and 80 judicial assistance requests were submitted.

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Two significant OCDE case examples are sufficient to demonstrate the effectiveness of the Tax Division's OCDE program atternays. In <u>Dirick Earla v. Garlos Ennate Arannes Laburia</u>, OCDE atternays were successful in litigating a repartiation suit. In these relations to the compal a tempayer to return assets to the United States from a foreign country to satisfy his or her United States extinabilities.

OCDE Task Porce attorneys filed a repatriation suit against Carlos Ernasto Armenta LaTauris to force him to return proceeds from a Swise bank account to satisfy his tax liabilities. LaTauris and previously been convicted of money laundering by a Pederal Court Manal, Plotids. Suit was brought against the Fulse bank to bother proceeding distority against the Fulse bank to onforce layies previously served by the Internal Revenue service on United States branches of the bank in Minal and New York. LaTauria's agreement to repatriate the bank account proceed from Svitteriand ander the latter enforcement action unnecessary. While Government autic against United States based banks having foreign branches are viable enforcement actions, the best the primary responsibility for trensferring assets to off-shoot tax havens to avoid their tax obligations. In total, \$4.0 million was involved in satisfying LaTauria's Pederal income tax liabilities. The Tax Division intends to employ this tax enforcement approach with greater frequency to combat money laundering operations.

Through the efforts of Tam Division attorneys, the United States was successful in investigating and prosecuting individuals in the case of <u>United States</u> v. <u>Eval Roulers</u> in the District of Messachusetts. This case dealt with a major marijuan amugaling ring and reterated money industries activates. As a result of the compensative states of tree intition attorneys, a grand jury indicted Paul Roulesu in Appendix 1997, for ampaints in Continuing crisinal enterprise, in violation of the se-complexerors of the or-complexerors appeared of Roulesu's co-complexacts were indicated on drug complexes the part of Appendix Append & Labbas and Konnath J. Mullins were charged with liberally inundering the sevualing first of a relatinal deals and force the greated jury also identified aversal properties as being subject to criminal forfeiture because they were purchased with drug-related proceeds.

Workload statistics for the OGDE Task Porce Presecutions budget sctivity have been combined and reflected in the Drug Enforcement budget eativity. 17

Interagency Lav Enforcement
Organized CLine Drug Enforcement
Financial Analysis - Program Changes
(Collars in thousands)

Egy year

	Drug Enforcement	ement
	Immigration and Maturalisation Service	on and on Service
Item Pos. Amount	Pos. Amount	Amount
64-12 00-12	75 \$2,853 19 367	62,833 367
Total positions and annual rate (2) (Char personnal compensation	46 669 9	3,220 - (1,578) 307
Personnal bundites Personnal bundites First and tensiperation of persons First and tensiperation of things SM sent of communications utilities and miscellanmous charges Firsting and repreduction. Firsting and repreduction. Gipping and materials	57 1,646 547 547 547 548 548 548 548 548 548 548 548 548 548	1,849 940 940 940 940 940 940 940 940 940 9
Total progrem vortywars and obligations changes requested, 1990	\$	8,045

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Organized Crime Drug Enforcement
Priority Renkings Interagency Lav Enforcement

Program Ranking
Drug Enforcement 1
Prosecutions 2

Program Increase

Program Drug Enforcement

Interagency Law Enforcement
Organized Crise Drug, Enforcement
Detail of Permanent Politions by Caregory
Fiscal Years 1988 - 1990

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0651			1990	1990	
Category .	1988 Author I sed	1989 Authorized	Transfer in the Estimates	Program Increases	Total
Attorneys (905).	:	:	602	:	602
Other Legal and Kindred (900-998)	:	:	160	:	91
Criminal Investigative Series (1811)	:	:	1,523	2,	1,598
Agents (1800-1899)	:	:	۰	:	•
Social Sciences, Economics and Kindred (100-199)	:		ຊ	:	2
General Administrative, Clerical and Office Services	:	:	:	:	::
(300-399)	:	:	620	\$1	63
Accounting and Budget (500-599)	:	:	;	:	:
Total	:	:	2,332 94 2,826	16	2,826
				-	
Washington	:	:	35	:	3
U.S. Field	:	:	2,678 94 2,772	16	2,772
Total	:	:	2,732	•	2,826
			,		

\$113,041 (3,179

109,862

Increase/Decrease Positions 6 Workyears Amount 2.731 109,862 1990 Estimate Positions & Mount 1989 Estimate
Positions 6
Morkyeard Amount 1111 1 11 11111 1 1988 Actual
Positions 6
Workyears Amount

Other than permanent:
Temporary employment.
Temporary employment.
Other page-time and intermittent employment.
Other page-time and intermittent employment.
Other personnal compensation
Administratively uncontrollable overtime
Administratively uncontrollable overtime
(Ittery personnal
Special personnal services payments Grades and salesy ranges GS/GHT1, SS7, 1847-18, 200 GS/GHT1, SS7, 1847-18, 200 GS/GHT1, SS8, 2847-18, 1847-18, 200 GS/GHT1, SS8, 2847-18, 1847-18, 200 GS/GHT1, SS8, 2847-18, 1847-18, 200 GS/GHT2, SS8, 2847-18, 284 Total, appropriated positions
above stated annual rates
Lapses
Savings due to lover pay scales for part of year
Net full-time permanent.

Total, workyears and personnel compensation.....

Interagency Law Enforcement Organized Crime Drug Enforcement Summary of Requirements by Grade and Object Class (Polises in thousands)

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Intergency Law Enforcement
Organized Crima Drug Enforcement
Summary of Requirements by Grade and Object Class/1
(Pollies in thousands)

The second secon

		1988 Actual	leu	1989 Estimate	laste	1990 Estimate	Lante	Increase/Decrease)ecresse
06 Jee	Dbjeet Class	Vorkyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
:	13.1 Pull-time permanent	:	:	:	:	2,731	1,731 8109,862	2,731	2,731 \$109,862
11.3	Other than full-time permanent	:	:	:	:	•	•	•	•
::3	Other personnel compensation	:	:	:	:	37.	÷	374	9,134
1.7	Military personnel	:	:	:	:	2	317	2	317
11.0	Special personal services payments	:	:	:	:	•	2	•	=
								•	
	Total, workyeers and personnel compensation	•	፥	፧	፧	\$,115	119,599	3,115	119,599
12.1	Parsonnel benefits		:		:		34,015		34,019
12.2	Personnel benefits for military personnel		:		:		5		3
17	Travel and transportation of persons		:		:		11,601		11,601
22	Transportation of things		:		:		2,742		2,742
23.1	GSA rent		:		:		11,30		11,30
23.5	Rental payments to others		:		:		1,21		1,214
23.3	Communications, utilities and miscellaneous		:		:		3,764		5,764
₹	Frinting and reproduction		:		:		320		380
2	Other services		:		:		17,168		17,16
26	Supplies and materials		:		:		4,181		4,181
=	Equipment		:		:		6, 928		6,928
7	Other insurance claims and indemnities		:	•	:	***********	7	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	*
	fotal obligations		;		÷		214,921	4	214,921
Retat	Relation of obligations to outlays:						;		
8	Obligated balance, and-of-year		: :		: :		(33,730)		
ð	Outlays		:	107.707	:		161,191		

fil This subbit reflects the anticipated distribution of obligations to the participating spencies. The obligations will be reflected as relaborassents in the participating agencies and included in Object Class 25.0.

Mr. Whitley. Yes, sir.

STATEMENT OF MR. WHITLEY

I'm pleased to be with you here this morning, Mr. Chairman and other members of the subcommittee. My name is Joe Whitley, I'm Acting Associate Attorney General at the Department of Justice. Sitting to my left is Fritz Kramer, who is the Administrative Director on the OCDETF staff in the Department of Justice. OCDETF is the acronym for Organized Crime Drug Enforcement Task Forces.

If the Chairman will permit, I would offer to submit our full testimony for inclusion in the record. I would like to make a few pre-

pared remarks and then answer any questions.

Mr. Smith. All right.

Mr. Whitley. I'm very pleased to be here, as I've indicated, to talk about one of the more successful Federal law enforcement initiatives that I believe has ever existed—the Organized Crime Drug Enforcement Task Force. I would like to take the opportunity to express our appreciation for the support Congress has provided in the past; not particularly the recent enactment of the Anti-Drug Abuse Act of 1988, that authorized this single appropriation for expenses relating to the task force program, which will hopefully strengthen the program.

It is gratifying that we share with this subcommittee a mutual commitment to deal with the urgent problem of paramount importance to all of us, criminal organizations involved in high level

drug trafficking activity that prey upon our society.

Pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988, the Department is requesting a single appropriation for the task force program. The 11 participating organizations in the OCDETF program will be reimbursed from this single appropriation for their involvement in the initiative. At present, each agency's reimbursement is expected to be consistent with plans submitted in the Administration's request. For 1990, the Administration is requesting a total of roughly \$215 million which can fund, in round figures, 2,800 reimbursable position; and 2,700 reimburseable workyears. This request represents an increase of roughly \$8 million for the Immigration and Naturalization Service, fund 94 reimburseable positions and 48 reimbursable workyears, over the 1990 base. I would like to assure you that the Attorney General is fully behind the successful coordination of this program, and looks forward to assisting the agency heads in effectively expending the task force resources to assure they are used to maximize the accomplishments of the program.

Again, I want to acknowledge the support of this particular subcommittee, and thank each of you for your interest, and I will now be pleased, Mr. Chairman, to answer any questions you may have.

[The prepared statement of Mr. Whitley, and biographies of Mr.

Whitley and Mr. Kramer follow:]

DEPARTMENT OF JUSTICE ORGANIZED CRIME DRUG ENFORCEMENT

STATEMENT OF THE
ACTING ASSOCIATE ATTORNEY GENERAL
JOSEPH D. WHITLEY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and members of the Subcommittee:

I am very pleased to be here today to testify before you in support of what may be one of the most successful Federal law enforcement initiative available today --- the Organized Crime Drug Enforcement (OCDE) Task Force program. I would like to take this opportunity to express our appreciation for the support Congress has provided in the past; particularly the recent enactment of the Anti-Drug Abuse Act of 1988, authorizing a single appropriation for expenses relating to the OCDE Task Force program which will strengthen the program. It is gratifying to find that we share a mutual commitment to dealing with this urgent problem of paramount importance to all of us -- criminal organizations involved in high level drug trafficking enterprises that prey upon our society.

Pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988 (P.L. 100 - 690), the Department of Justice is requesting a single appropriation for the OCDE Task Force program. The 11 participating organizations in the OCDE Task Force program will be reimbursed from this single appropriation for their involvement in the initiative. At the present time, each agency's reimbursement is expected to be consistent with plans presented in the Administration's request. For 1990, the

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Administration is requesting a total of \$214,921,000, which can fund 2,826 reimbursable positions and 2,741 reimbursable workyears. This request represents an increase of \$8,045,000, which can fund 94 reimbursable positions and 48 reimbursable workyears, over the 1990 base. Before going into the details of our request, I would like to take a few minutes to provide you with some background regarding the OCDE Task Force program approach and to describe the nature of the program.

As you know Mr. Chairman, this nation has been plagued by an outbreak of drug related crime unparalleled in our history. To compound this situation, drug importation and trafficking has become increasingly organized. Drugs and organized crime have combined to wreak havoc in our communities and in our lives, and represents one of the most serious crime problems facing this country today.

For 20 years prior to the creation of the OCDE program in 1982, Federal agencies experimented with a variety of approaches to combat drug trafficking. It became increasingly apparent, however, that the attack on drug-related crime could not be confined by city lines, State boundaries, or international borders. Full scale teamwork, involving many Federal agencies with unique skills, was needed to implement a comprehensive strategy for dealing with the crisis. In 1982, the OCDE Task Force program was initiated to mount a comprehensive attack against organized crime and drug traffickers. In its first six

years of operation, the OCDE Task Force program has been an effective and powerful force to combat drug trafficking.

TASK FORCE STRUCTURE

Today the OCDE Task Force program constitutes a nationwide structure of 13 regional task forces that takes advantage of the combined resources and expertise of its 11 member Federal agencies, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations. The following are the 13 Task Force regions: Florida/Caribbean; Great Lakes; Gulf Coast; Los Angeles/Nevada; Mid-Atlantic; Mountain; New England; New York/New Jersey; North Central; Northwest; South Central; Southeast; and Southwest Border.

Each region has a Task Force Advisory Committee, the region's policy group, composed of all of the region's United States Attorneys as well as senior representatives of the investigative agencies throughout the region. A small administrative staff, working out of the Associate Attorney General's Office, provides support to the field operations in the 13 regions. The apex of the OCDE Task Force program structure is the Executive Review Board (ERB), consisting of the chief operating officers of the participating agencies and chaired by the Associate Attorney General. The ERB establishes national policy and provides program oversight.

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PARTICIPATING FEDERAL AGENCIES

A multifaceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution beyond the capacity of a single organization. Each of the Federal agencies participating in the program brings it's own special skills and methods to the effort.

For example, the Drug Enforcement Administration, the only Federal agency that has narcotics law enforcement as its sole responsibility, brings its knowledge of national and international drug distribution networks, and its close working relationships with State and local authorities, making DEA essential to every task force. Similarly, the Federal Bureau of Investigation offers its experience in the investigation of traditional organized crime, and financial crimes, as well as its proven ability to gather and analyze intelligence data and deploy and manage sophisticated physical and electronic surveillances in the OCDE Task Force Program. The Immigration and Naturalization Services's expertise in tracking and deporting illegal aliens has strengthened the ability of the task forces to remove criminal alien drug traffickers from the United States. The United States Marshal's Service provides a variety of support functions to the program, including witness security, fugitive investigations, court security and asset seizure and disposal management, all of which have been valuable in OCDE cases.

Agencies outside the Department of Justice have been just as valuable to the success of the OCDE effort. The United States Coast Guard has served as maritime experts for the task forces, providing valuable intelligence and guidance on cases with maritime connections and implications. The Bureau of Alcohol, Tobacco and Firearms expertise in firearms, explosives and arson have made it a well-suited partner to other agencies participating in the war against illegal drugs. As the task forces financial experts, the Internal Revenue Service often provides the only viable means of attacking drug traffickers. Their expertise in financial investigations traces the proceeds of illicit narcotics trafficking. The United States Customs Service provides investigative expertise in attacking drug smuggling organizations and seeks to destroy drug trafficking organizations by seizing their profits through international money laundering investigations. The Treasury Department utilizes data collected under the Bank Secrecy Act to identify and refer money laundering cases for OCDETF investigation.

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Investigative work is supported through prosecution advice provided by the United States Attorneys, and the Department's Tax and Criminal Divisions. Early attorney involvement in the development of case strategy is a major factor in the success of the program.

STATE AND LOCAL PARTICIPATION

From the program's inception, State and local law enforcement agencies have worked closely with the task forces.

Several elements of the OCDE Task Force program facilitate State and local participation. Over \$3 million per year is provided to State and local jurisdictions for overtime and expenses incurred by their personnel participating in task force cases.

State and local participation is further facilitated by the deputation of State or local law enforcement officials when appropriate. Deputation provides non-Federal agencies with the capacity to extend investigations outside their normal jurisdictions, thus emphasizing the joint role that Federal, State and local officials must play in combatting the drug problem. Under this arrangement, it is possible for a local police officer from Denver to legally participate in a drug investigation in California. Similarly, cross designation of attorneys makes it possible for Federal attorneys to participate in State court prosecutions or for State attorneys to participate in a Federal prosecution.

Perhaps one of the most advantageous benefits of the OCDE Task Force program to State and local agencies is the resources they obtain through the asset forfeiture provisions made available since passage of the Comprehensive Crime Control Act of 1984. Sharing of forfeited assets, with our non-Federal partners, provides a bonus to participating State and local agencies in the form of vehicles, aircraft, boats, weapons, and cash. Since its inception in mid-1985, the Equitable Sharing Program has expanded rapidly. Through the program, the Department of Justice has distributed more than \$190 million to

State and local agencies in property and cash. In 1988, \$104 million was shared in forfeited property and cash with State and local law enforcement agencies, 462 percent more than the \$22.5 million shared in 1986, the first full year of the program. In 1989, over \$157 million is expected to be shared. Additionally, the United States Customs Service has shared \$23.3 million with State and local agencies since its inception, including \$11.2 million in 1988. A large portion of these resources were obtained through the efforts of the OCDE Task Force program.

ADMINISTRATION'S 1990 REQUEST

In addition to the resources already applied to the OCDE Task Force participants, a program increase of \$8,045,000, 94 reimbursable positions (including 75 criminal investigators) and 48 reimbursable workyears, is requested. This will allow the Immigration and Naturalization Service to provide continuing support to the program and participate more effectively in major interagency drug and organized crime investigations. Early in the program it was recognized that INS could broaden task force coverage substantially if the statutory authorities of the immigration laws were available; however, INS has never received resources for its involvement in the OCDE Task Force program. Instead, INS has diverted special agents from its Investigations Program, to the OCDE task forces to assist in multijurisdictional trafficking organizations. This increase will establish a permanent funding base under which INS will maintain its participation in the program.

OCDE TASK FORCE PROGRAM ACCOMPLISHMENTS

Before closing, a few brief words concerning the accomplishments of the OCDE Task Force program during its first six years would be appropriate. It has become apparent that the most promising strategy for combatting major illicit drug traffickers is the OCDE Task Force program. The task forces have directed their resources at national and international trafficking organizations against whom successful prosecution has the greatest impact. From its inception late in 1982 through the end of 1987, the OCDE Task Force program accomplished the following:

- initiated over 1,900 investigations, resulting in over 3,900 indictments where over 8,400 individual defendants were found or pled guilty to at least one charge.
- -- charged over 6,500 top and mid-level leaders and major suppliers, of which 689 persons were charged with Continuing Criminal Enterprise (CCE) violations and 878 others were charged with violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act.
- -- seized cash and property totaling \$623 million.

Results of task force investigations continued to be successful in 1988, when 471 investigations were initiated, 1,332 indictments involving 4,749 individuals were brought, 2,234 convictions were obtained and seizures of cash and property totaling \$350 million were obtained. At this time, I would like

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to point out several noteworthy cases displaying the close cooperation among OCDE participating agencies.

In December 1987, DEA, along with the FBI, BATF, the U.S. Customs Service, and the Miami Police Department arrested seven defendants in a criminal network that extended from southern Florida to Detroit and seized approximately \$2 million in assets. The defendants were arrested on a variety of drug-related charges, including importation and distribution of cocaine and marijuana, racketeering, conducting a continuing criminal enterprise, and conspiracy. The indictment charged that this enterprise bribed police officers to protect its illegal operations and used force and violence, including the murder of a BATF informant by mutilation and burning. During the 10-year period covered in the indictment, this organization is estimated to have grossed \$75 million.

In October 1988, the largest, most labor intensive money laundering investigation ever undertaken was concluded with indictments of numerous members of a Colombian based cocaine smuggling and money laundering organization. The investigation targeted the illegal exportation and laundering of in excess of \$31 million produced by the illegal sale of cocaine in a number of United States cities. The undercover portion of the investigation involved the work of more than 20 undercover agents. A large international financial institution and several of its officers and employees were indicted. The unprecedented success of this operation, conducted in coordination with the

U.S. Customs Service, Internal Revenue Service, DEA, FBI, and law enforcement officials in Great Britain and France, focused the attention of law enforcement and the public on the use of international financial channels by the launderers of drug proceeds.

The ongoing threat of international drug trafficking cannot be minimized. Many difficult battles lie ahead. The evidence is persuasive that use of the OCDE Task Force program model and its strategy can damage and undermine major drug trafficking organizations. From the accomplishments of its first few years, we can draw considerable encouragement. The OCDE Task Force program has shown that drug-related crime can be attacked at its roots and that organizations that live on and by the drug trade can be permanently disabled.

Finally, I would like to assure you that the Attorney General is fully behind the successful coordination of this program, and he looks forward to assisting the agency heads in effectively expending the OCDE resources to assure they are used to maximize the accomplishments of the program. I am confident that the continued operation of the initiatives I have discussed today will continue to have a significant impact. I want to acknowledge the support of this Subcommittee and thank each of you for your interest. I will be pleased to answer any questions at this time.

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JOB D. WHITLEY

Joe Whitley has been Deputy Associate Attorney General in the Department of Justice, Washington, D.C., since May of 1988. Currently at the request of Attorney General Dick Thornburgh he is serving as Acting Associate Attorney General. From February 1987 through May 1988, he was a Deputy Assistant Attorney General in the Criminal Division. From 1981 until his appointment to the Criminal Division, he was United States Attorney for the seventy county Middle District of Georgia which includes the Georgia cities of Athens, Albany, Columbus, Macon, Valdosta, and Thomasville. He served as a member of the Attorney General's Advisory Committee under Attorney General Smith and Attorney General Meese from 1982 through 1985.

While United States Attorney, he was Chairman of the Law Enforcement Coordination Subcommittee of the Advisory Committee, and he served as a member of the Executive Working Group for Prosecutorial Relations. He received his B.A. degree and his J.D. degree from the University of Georgia in 1972 and 1975, respectively.

Prior to entering on duty as United States Attorney, he was in private practice in Columbus, Georgia, with the law firms of Kelly, Denny, Pease and Allison, P.C., and Hirsch, Beil and Partin, P.C., respectively, and he also served as an Assistant District Attorney in the Chattahoochee Judicial Circuit.

As a Deputy Assistant Attorney General in the Criminal Division, he had supervisory responsibility for the Narcotics Section, Asset Forfeiture Office, Office of Legislation, and the Office of Policy and Management Analysis.

He is a member of the State Bar of Georgia, a former member of the Columbus (Georgia) Lawyers Club, and a current member of the Macon (Georgia) Bar Association.

He is married to the former Lauren Kathleen Pinion of Chattanooga, Tennessee. They live with their two children in Vienna, Virginia.

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FREDERICK W. KRAMER

Education/Training

B.A. Political Science, Miami University, Oxford, Ohio, 1965

M.A. Political Science, University of Wisconsin, Madison, Wisconsin, 1967

Certificate of Completion, Economics, Public Administration Institute in Manpower Administration, Harvard University, Cambridge, Massachusetts, Summer, 1975

Experience

December, 1984 - Present: Director, Administrative Staff, Organized Crime Drug Enforcement Task Force, U.S. Department of Justice

June, 1980 - December, 1984: Chief, Division of Experimental Operations Research, U.S. Department of Labor

September, 1968 - June, 1980: Manpower Analyst, Office of Research and Development, U.S. Department of Labor

September, 1967 - September, 1968: Management Intern, U.S. Department of Justice

Honors, Awards, Fellowships

Outstanding Performance Ratings 1984, 1987, 1988 Department of Justice:

Special Achievement Award, 1987

Outstanding Performance Award, 1974, 1978 Distinguished Achievement Award, 1978 Department of Labor:

Eisenhower European Fellowship, Summer 1978

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Military Service

1968 - 1976 U.S. Army Reserves

RETURN TO REIMBURSABLE PROGRAM

Mr. Smith. Is this return to this old system in response to the drug law we passed last year?

Mr. WHITLEY. Yes, sir, that's correct.

Mr. Smith. How will it change your operation? What benefit will we get by going back to this system?

Mr. WHITLEY. Mr. Chairman, as I envision it, it won't change the effectiveness of the program, it will only enhance the effort.

Mr. Smrth. How does it enhance it?

Mr. WHITLEY. Enhancement, in the sense of having on one piece of paper the whole entire program for purposes of showing the Congress the accomplishments in terms of budget and in terms of the numbers of indictments returned, and the number of people prosecuted by the Organized Crime Drug Enforcement Task Force.

Mr. SMITH. But is it going to enhance the number of indictments

returned, or just going to make it easier to account for who did it?

Mr. Whitley. Conceivably, it could enhance the whole process.

We can only wait and see, Mr. Chairman. I don't have any prediction for you, but our hope is it will enhance the effectiveness. In one way it could. Because we operate the Organized Crime Drug Enforcement Task Force program through the guidelines for the program on a consensus basis. As you know, the program consists of representatives from Treasury, Justice, and Transportation. We operate with an understanding that any decision, and I've indicated this to the participating members in the OCDETF program, would be reached on a consensus basis.

I propose to convene the Executive Review Board of the OCDETF program to look at these budget submissions during the course of the year. If there is any reallocation among the programs, it would be by agreement of all the parties followed by a recommendation to the Attorney General. In other words, there could be a situation in which one of the agencies participating in the program could find itself with a surplus. Upon notice to this committee or other appropriate committees on the Hill, we could move that money within the program to assist us. That is one benefit that I see in a unified

budget.

SYSTEM EFFECTIVENESS

Mr. Smith. The more line items we have in the bill, the more you have to ask for reprogrammings to shift money. Can we conclude that OCDETF became less effective when you no longer had

this separate appropriation?
Mr. Whitley. No, sir. I don't know that that's necessarily the

Mr. Smith. Then why are we going back to a system we had one other time. Did you become less effective when you no longer used

that system?

Mr. WHITLEY. I'm not necessarily a proponent or a detractor for this new system. I believe that it is a unifying concept. And I think the people that drafted this legislation on the Hill believe that it would be useful in us pulling together all the components in the OCDETF program under one budget authority. I happen to think that the effectiveness of the program is in large measure gauged by

the commitment that people have to it outside of budget considerations. That's my own personal opinion.

It's my intent as Acting Associate Attorney General, to return to the participating agencies, the full amount they initially submitted, there'll be a flow through of funds for fiscal year 1990.

Mr. Smith. So, in the end, there's really no magic in the organization. It's whether or not you have the resources and how you use

Mr. Whitley. Yes, sir. I think sitting down around a table with these other agencies, like we have in the past, in deciding how we're going to approach organized criminal drug activity in this country will not change one bit. However, it will force us, to some extent, to sit down around that table and discuss how we might allocate the funds among us. So to that extent it may be an enhance-

Mr. Smith. Well, enlarge in the record exactly how this is going to work, how you're going to make these reimbursements and under what criteria, and so forth.

Mr. Rogers?

Mr. WHITLEY. Yes, sir.

[The information to be supplied follows:]

REIMBURSEMENT PROCEDURE

As I indicated, the Executive Review Board will be convened prior to the Department's OCDETF budget submission to OMB. Each of the participating agencies will present their budget requests for the coming year. A consensus will be reached on the total budget and it will be submitted to the Attorney General for his review and comment. Any potential changes in the original agency submissions would be discussed between the Attorney General and the relevant agency head. Again, I do not foresee any unilateral decision regarding the budget process taking place. In its six years of operation, a consensus decision-making process has been the corner stone of the Task Forces, and it is my intent and that of the Attorney General and the heads of participating agencies to continue this process.

CONGRESSIONAL MANDATE OF SINGLE OCDE APPROPRIATION

Mr. Rocers. Well, of course, all this is mandated, and I'm trying to figure out how it works here, so maybe you can help me through

As I gather, the Congress set up the unified budget request from all these various departments, including their agencies, DEA, FBI, INS, Marshals, Customs, BATF, IRS and U.S. Coast Guard, and the monies that they formerly got for organized crime activities now goes to your agency, right?

Mr. Whitley. That's correct.

Mr. Rogers. Then the Attorney General has authority to then reimburse each of those agencies from your account for the activities they do in organized crime, is that right?

Mr. WHITLEY. That's correct.

Mr. Rogers. And supposedly the purpose of that was to have one place where all organized crime drug enforcement activities could be focused, and looked at, and come together and have accomplishments, so that all agencies have sort of a round-table hearing?

Mr. WHITLEY. Yes, sir, that's right.

The guidelines for the Organized Crime Drug Enforcement Task Force program call for a policy level review unit, called the Executive Review Board. It consists of all the leadership of the various agencies including Mr. Lawn, Judge Sessions, and others, where we make these sorts of decisions. So it contemplates a round-table, at least in my opinion, my interpretation, it doesn't change the management structure of the OCDETF program, it simply adds another decision that the management structure of OCDETF will be making, and advising the Attorney General on, in terms of the reimbursements, back out to the various agencies.

Mr. Rogers. Well, under our law, does he have authority to say, going to take some of the Customs Service monies and give it to DEA?

Mr. WHITLEY. There is a concern that has been expressed to me by some of the agencies that there will be some unilateral act on the part of the Attorney General to reallocate as you have suggested. Mr. Rogers. However, it's my expressed intent not to operate along those lines with any of the agencies that participate in this program. To do so, in my opinion, would be a breach of faith with the nature of the program, which is a cooperative effort among these agencies wherein we operate—again, it may sound hard to believe—on a consensus model. And a consensus model has worked here, where we sit down among ourselves, even at the highest levels in this program, and make decisions, not in a unilateral fashion. So anything we would ask the Attorney General to decide would reflect the advice and the information from each of the agencies participating.

I know there is that concern, but I think I have allayed that concern with, for example, the U.S. Customs Service. Also, I would like to allay that concern with any other component of the Department

of Justice.

DETERMINATION OF ORGANIZED CRIME INVOLVEMENT

Mr. Rogers. How you can decide, or how can anyone decide whether or not some operation he's involved in is organized crime or not? You know, if it's a drug ring, then it's organized. I don't

know how you're going to plan all this.

Mr. Whitley. Well, to a large extent we have to put our faith and confidence in each agency that they are assuring themselves that they are working on high level drug trafficking organizations. The intent of the Organized Crime Drug Enforcement Task Force program is the prosecution of higher level traffickers.

ORGANIZATION STRUCTURE

Mr. Rogers. Well, do you have a separate office?

Mr. WHITLEY. Yes, we do. We do currently have a separate office for the administrative structure of the program.

Mr. Rogers. Is that in the main Justice Building?

Mr. WHITLEY. Yes, sir.

Mr. Rogers. And you'll have office services, automated data processing services and all of those things that go with a separate

Mr. Whitley. Well, let me say that we're not going to bureaucratize the program. The whole focus of the OCDETF program is to have in each agency, manpower, not machine power. We need the resources out there in the field knocking down the doors, and serving warrants, and arresting these drug traffickers. We don't contemplate any significant increase in our administrative unit at the Department of Justice. Perhaps the addition of a few personnel to help us in the management of the budget. To a large degree, Mr. Rogers, we hope to rely on the budget as it currently exists and the components that will be participating in this unitary budget system.

Mr. Rogers. You're satisfied with what the Congress made you

do, right?

Mr. Whitley. Yes, sir. We're going to work with this new system. It has created some concern, as I've indicated, on the part of some of the participants in the program. But we plan to work with it, and we'll report to this committee as appropriate, as we progress along with this new budget system.

Mr. Rogers. Thank you.

EXECUTIVE REVIEW

Mr. Smith. Well, if you don't look behind the title on the paper they submit, it won't do any good will it? They should have some

concern, shouldn't they?

Mr. WHITLEY. Yes, sir. During the month of April, I plan to convene the first meeting of the Executive Review Board to look at the entire budget for the years beyond 1990. Frankly, we have not had an opportunity yet to sit down and look at any mid-course corrections for fiscal year 1990.

Mr. Smith. My question is, for example, the Coast Guard identifies a need for so many millions of dollars for drug enforcement. Are you going to see whether or not it really is going to be used for

drug enforcement?

Mr. Whitley. We'll look at the submission—they'll make some presentation to us, Mr. Chairman, which will spell out what they're going to use it for in terms of personnel or other resources. So we'll have a clear indication what they plan to do with that money. Yes, sir.

Mr. Smith. Is that why the agencies are concerned—they're

afraid that you'll be looking over their shoulders.

Mr. Whitley. Well, we'll do it, at these Executive Review Board meetings. There will be some staffing at the Department which will look at what is being submitted.

Let me say that each person on the Executive Review Board, which I currently chair, will have an equal place at the table. That's the way I perceive this whole thing.

RESTRICTING THE USE OF FUNDS TO TASK FORCE FUNCTIONS

Mr. Smith. Well, what concerns me, is that you put a title up at the top, but down below it has nothing to do with it. It is just a way to get money. If you don't cause the agencies to have a concern that's what it's going to be.

Mr. Whitley. Well, that's what I plan to do. I don't mean to suggest that this will not have any teeth in it at all. There will be

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some review of the budgets at the Department, with a view towards assisting the agencies, not with a view toward penalizing them.

Mr. Smith. You're not penalizing them. You're just making sure

that it's spent on drug enforcement instead of something else.

Mr. WHITLEY. Yes, sir.

One of the things, and I think in looking at Congressional intent here, I'm not aware of all the history associated with this provision, but I believe Congress was desirous of making sure that this money was spent on the high level drug trafficking organizations it was intended to go after. And the logical place to put this at that time was in the Department of Justice, in this kind of a framework I've outlined under the guidelines for the program. I think I've got a vehicle to make sure that we are spending this money, so we can justify to your committee on how we've allocated this money.

Mr. Smith. The way appropriations works, sometimes you appropriate many millions of dollars for something like drug enforcement, but it's not nearly as high a level of priority as in some other agency. The purpose can be good, but only if you actually cause

them to be concerned.

Mr. Whitley. Yes, sir. Mr. Smith. They need to be concerned that you're going to look at their papers to see whether or not they're using it.

Mr. WHITLEY. Mr. Chairman, may I expand on that? I think

you're absolutely correct.

What we plan to do is look at the personnel figures in the budgets that come into us. One concern that may be at the back of the legislative history for this particular bill, is that it's very hard to track the allocation of resources to the OCDETF program. The figures sometimes can be relatively fluid. If you tie the agencies down that are participating in the program to defining the number of personnel they're actually committing to the program, it makes it easier for us to see, at the management level, and also for Congress to see, exactly what we're committing to this premier program in terms of drug law enforcement.

Mr. Smith. Then you'll need to follow up and make sure they

don't shift those funds.

Mr. Whitley. Well, that's correct. Yes, sir.

STATE AND LOCAL OVERTIME PAYMENTS

Mr. Smith. Mr. Early?

Mr. EARLY. Just one quick question.

Mr. Whitley, I don't want to demagogue the issue or anything else, but in your statement you say you've got \$3 million to pay overtime for local and State law enforcement officers. I mean, the numbers, if you divide the \$3 million by 50 States, it's \$60,000. Now, we've got 60,000 law enforcement officers in the State of New York. Are you going to give them a dollar each? How do you specif-

ically plan to distribute that \$3 million?

Mr. Whitley. I'll ask Mr. Kramer to add to my comments, Mr. Early. It seems as though that amount, and I agree that that amount is an amount is an amount is an amount in the field mould like to see increased. It's not as much as a lot of the agents in the field would like to see us spending. The whole program for the entire OCDETF budget is only \$215

million roughly. So, we're talking about a relatively small program out of the total law enforcement commitment of this Administration in drug law enforcement.

Mr. Early. I don't know how you can do it though. Why should

we give in to the local governments paying their overtime?

Mr. Whitley. Well, these State and local agents are receiving overtime, and in most occasions they are deputized as Federal agents when they're working with us in our initiatives used under Federal statutes. So what we're doing is compensating the State and local governments for their commitment to this program. OCDETF is a program that cuts across agencies, but it also cuts across jurisdictional lines, State, local and Federal governments, all working together in one initiative. In my opinion, perhaps more money is needed, but in this age of budget austerity, in a program that's only \$200 million in total, it's a figure that we have allocated at the moment between the 13 regional task forces, as best we can.

But believe me, the State and local agents that work with us in these programs probably would work with us even if we couldn't give them overtime, because they share a common commitment with us in eradicating the drug problem in their communities. We have tools at the Federal level that allow us to assist them with subpoena authority, we can go after ciminals internationally, we can actually get at the top end of these drug trafficking rings, whereas, some State and local organizations don't have that

luxury. Mr. Early. Thank you, Mr. Chairman.

OVERHEAD COSTS

Mr. Smith. Does the amount transferred from these agencies include overhead costs?

Mr. Whitley. Yes, I believe it does. Yes, sir.

Mr. SMITH. How do they do that? Do they have a fixed percentage that includes rent and utilities, etc.

Mr. Whitley. I am not a budget expert, but I believe, Mr. Chairman, it's just the operating overhead, as I've been informed.

Mr. Smith. Just the operating overhead?

Mr. Whitley. Yes, sir.

Mr. Smith. Well, that's something you need to watch, too. We'll be interested a year from now to see how this works. Thank you. Mr. Whitley. Thank you, sir. [Recess.]

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WEDNESDAY, MARCH 1, 1989.

FEDERAL PRISON SYSTEM

WITNESSES

- J. MICHAEL QUINLAN, DIRECTOR, BUREAU OF PRISONS
- WADE B. HOUK, ASSISTANT DIRECTOR FOR ADMINISTRATION, BUREAU OF PRISONS
- GERALD M. FARKAS, ASSOCIATE COMMISSIONER, FEDERAL PRISON IN-DUSTRIES, INC.
- RICHARD P. SEITER, ASSOCIATE COMMISSIONER DESIGNEE, FEDERAL PRISON INDUSTRIES, INC.
- LARRY SOLOMON, ACTING DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS
- LUMAN N. RENSCH, JR., CHIEF, OFFICE OF BUDGET DEVELOPMENT, BUREAU OF PRISONS
- DAVID J. SWEDA, BUDGET OFFICER, OFFICE OF BUDGET DEVELOPMENT, BUREAU OF PRISONS
- HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
- MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER
- ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Introduction

Mr. Early. Continuing with our review of the Department of Justice, we will now hear testimony from the Federal Prison System. The Prison System requests \$1,563,998,000 in Fiscal Year 1990. We will insert in the record at this point the Federal Prison System's Fiscal Year 1990 budget justification.

[The budget justification follows:]

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Estimates for Fiscal Year 1990 Department of Justice Eederal Prison System Salaries and Expenses Table of Contents

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Summary Statement

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Crosswalk of 1899 Changes in Appropriation Language

Crosswalk of 1899 Changes

Summary of Requirements

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Institution Security

Unit Invale Program and Performance:

Institution Administration.

Staff Training

Institution Administration.

Staff Training

Staff Training

Staff Training

Contract Confinement

Contract Confinement

Contract Confinement

Executive Direction and Control

Administration of Malti-Activity Program Increases

Financial Analysis - Program Changes

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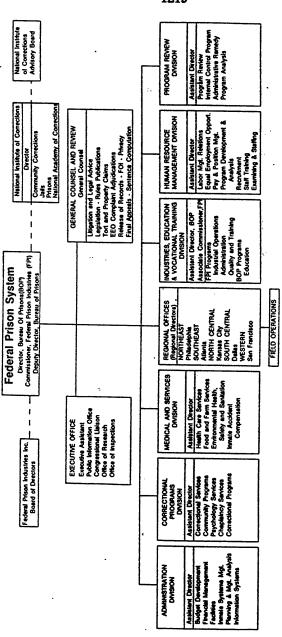
Change

Summary of Change

Summary of Change

Summary of Requirements by Grade and Object Class

Summary of Requirements by Grade and Object Class



FEDERAL BUREAU OF PRISONS

Approved: The Meese III Date: 1 May 88

Bonin Wess III
Attorney General

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Federal Prison System Salaries and Expenses

Summary Statement

Fiscal Year 1990

The Federal Prison System is requesting a total of \$1,152,554,000, 17,471 permanent positions, and 15,892 1/ workyears for "Salaries and expense" in 1990. This request represents an increase of \$200,126,000, 2,231 positions and 2,987 workyears over the 1989 appropriation and 2,987 workyears over the 1989 appropriation

This appropriation will provide for the custody and care of an average of 56,400 offenders and for the maintenance and operation of 64 penal institutions, 5 regional offices, 3 staff training centers, a central office, and contracts with approximately 370 State and local correctional institutions, 45 juvenile facilities and 365 community residential facilities in 1990. (On page 5 is a geographical display of the Federal

For 1990, program increases totalling 2,231 positions, 1,198 workyears and \$133,984,000 are requested to provide for a projected increase in the immate population; to activate one (1) new Federal Correctional Institution, five (5) acquired Federal Prison Camps, and six (6) housing expansions at existing institutions; to improve staffing system-idely, to expand confract confinement; to purchase the remaining inventory and equipment to reactivate Atlanta and Oakdale; to provide for Justice Data Center changes; and to transfer the funding of the Vocational Training Program and Immate Performance Pay from Federal Prison Industries to Salaries and Expenses. Following is a brief summary of each initiative:

Population Increase

The Administration's law enforcement initiatives, especially those directed at major drug trafficking and organized crime, have resulted in a 91 percent increase in the Federal prison population – from 23,783 in 1981 to approximately 45,500 immates 10day. The Federal Prison System projects that the average daily institution based population will increase by 6,025 immates during FV 1990, from 50,378 to 56,400. The estimates were revised upwards from projections in the FV 1989 budget and reflect the impact of the Anti-Drug Abuse Act of 1986 and U.S. Sentencing Commission Sentencing Guidelines, but do not include the impact of the recently passed Anti-Drug Abuse Act of 1988.

For 1990, a total of \$24,535,000 is requested for subsistence and related support costs of the projected population increase. These additional resources will enable the Federal Prison System to continue to provide for food, medical care, clothing, immite transportation, security, unit management, education, recreation, psychology, records, and maintenance costs associated with the projected population increase.

Activation of New Facilities

The current population of approximately 45,500 inmates is housed in prison facilities that by contemporary correctional standards should confine 29,000 immates. Today, Federal prisons are currently over-rowded by a systemwide average of approximately 60 percent with some 1/ Excludes 127 reimbursable workyears individual institutions overcrowded by more than 100 percent. Prison overcrowding coupled with the continuing rapid growth of the immate population has the potential for creating a "gridlock" in the Federal criminal justice system. This crisis would threaten the safety of staff, immates, and the general public while at the same time seriously impairing the Department's ability to achieve its high priority law enforcement objectives.

The second secon

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and \$45,379,000 for the activation of the new facilities FY 1990. These facilities will add 2,680 critically needed For 1990, the Federal Prison System is requesting 634 positions, 351 workyears. Itsed below which will be completed and ready for activation and operation in ibeds.

				Resources	
No. Factivities		Act ivation			Amount
ינפט - יסרון דונסי	Beds	Date	202	=======================================	(in 000's)
Three Rivers, TX FCI	202		į		
Housing Expansion at Existing Institutions:	3	06//	254	63	\$12,039
Milan M. Catellite Com					
The state of the s	120	9/9	8	10	2.318
oast op, 18 safel He Camp.	120	06/9	2	2	2 278
Lewisburg, PA Camp Expansion.	100	06/9	<u>-</u>	2	2,025
Sandstone, HK Sate 11 te Camp.	150	06/9	2	=	2 310
Moments IN English Unit	100	06/9	<u>.</u>	4	1,471
Five Actions Code of the Code	80	06/9	2	· w	333
The medalist rederal Prison Camps	1,250	10/89	245	245	22,598

mprove Staffing Systemwide

Operating the Federal Prison System at 60 percent over its designed capacity without commensurate staffing increases has placed too severe demands on too few staff. Prison overcrowding is commonly related to an increased potential for immate idleness, immate violence and inmate property. The 1990 budget includes 1,500 pystemnide can seriously compromise the security of our Federal prisons, endangering life and property. The 1990 budget includes 1,500 pystitions, 750 workyears and \$22,500,000 to improve staffing in critically understaffed programs for which workload has increased in direct proportion to increases in immate population. The Administration has established a staff to

Expand Contract Confinement

While FPS has a large number and variety of correctional institutions in which to provide for the care and custody of Federal offenders, there are certain categories of offenders who are confined in state, local and private facilities. These include Juvenlies, who must be separated from adult offenders as well as placed in community-based facilities near their residence whenever possible; adult offenders, whose lives might be endangered in Federal facilities (protection cases); and offenders with short sentences (generally 180 days or less) who are placed in local detention facilities (jails) for service of sentence.

In addition, FPS contracts with state, local and private community treatment centers for community residential bedspace for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community; who the Federal courts determine need more than probation and less than full institution confinement and services; who are under probation or parole

supervision but need more intensive services and/or programs that can be provided under the "street" supervision of the U.S. Parole Officer; and who are committed directly from court generally serving short sentencés.

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August.

for 1990, the request includes \$10,642,000 to expand contract based population. The request includes \$7,183,000 to expand state and local contracts to house an additional 460 Federal offenders. In addition, the request includes \$1,450,000 to contract with a private crima to house \$20 sentenced aliens for six months and \$2,000,000 to increase the average daily population in contract community treatment certers by \$25. An added benefit of contracting for the confinement of federal prisoners in non-Federal facilities is that contract based population results in a reduction to FPS institution based population and thus reduces overcrowding.

Reactivate Atlanta and Oakdale

The request includes \$10,983,000 to purchase inventory (\$5,260,000) and equipment (\$5,723,000) to reactivate the Atlanta and Oakdale facilities.

Justice Data Center Charges

As a result of the activation of new facilities and the impact of the U.S. Sentencing Commission's Guidelines, the Federal Prison System estimates that the average daily volume of SENIRY transactions will increase by 117,000 (a 33 percent increase) from 356,000 to 473,000. For 1990, an increase of \$3.2 million is requested for reimbursement to the Department of Justice.

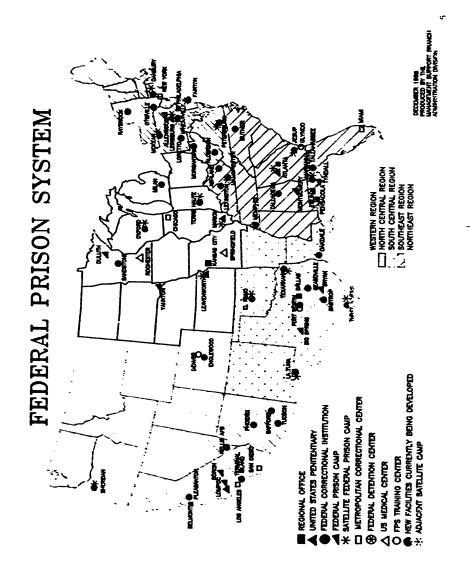
Iransfer from Federal Prison Industries

Federal Prison Industries (FPI) is not only a wholly-owned Government corporation selling products to the Federal government, it is also a vital correctional management program. The ability to keep increasing numbers of immates employed and productive has played an extremely important role in dealing with prison overcondings. As the Federal immate population continues to grow, it is imperative that Federal important prison industries keep pace. This has resulted in an expansion program that has taxed the Corporation's retained earnings to its limits. Part of this issue has already been addressed in the 1989 budget which provided FPI with borrowing authority.

In order to further insure the financial stability of FPI in the future, the FY 1990 budget proposes that the Vocational Training and Immate Performance Pay programs be funded by the Salaries and Expenses appropriation rather than by FPI.

Currently, the Federal Prison System's inmate <u>Vocational Irainina Program</u> is funded by both the Salaries and Expenses Appropriation and funded by Federal Prison Industries, inc. For 1990, 97 positions, 97 workyears and 80,001,000 is requested to transfer the portion of the program funded by Federal Prison Industries to the Salaries and Expenses appropriation, combining all immate education programs in one appropriation. This eliminates the profitability of Federal Prison Industries as a determinant of the quality and quantity of vocational training programs.

The request also includes an increase of \$8,744,000 to provide funding for <u>ingate Performance Pay</u> in the Salaries and Eppenses appropriation. Inmate Performance Pay which is currently funded by Federal Prison Industries is not for immates employed by Industries but is for payments to immates who work in other prison areas such as food service and maintenance.



Egderal Prison. System

Salacles, and Expenses

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

for expenses necessary for the administration, operation, and maintenance of rederal penal and correctional institutions, including purchase (not to exceed 159, of which [109] Are for replacement and pessenger monofor which [14]. Statement and pessenger monofor which [14]. Statement and pessenger monofor which [14]. Statement and personal personal personal personal personal personal personal personal personal penal and correction of the Ritorre general, for direct sepanditures by that Administration for the worlded unther, that uniforms and penal and correctional institutions; provided unther, that uniforms and penal and correctional institutions; provided unther, that uniforms and penal and correctional institutions; that of the amount appropriated under this heading \$4,204,000 that is be for "federal prison Industries" to replace equipment destroyed during the Mariel Cube of Sturbances).

(18 U.S.C. 3030, 3059, 3651, 4001, 4002, 4007, 4009, 4011, 4041, 4042, 4081, 4081, 4081, 4082, 4081, 4081, 4082, 4081, 4

Explanation of Changes:

No substantive changes.

						COLUMN III CANADAN	/ KDIID					-			
	1989 Bud	Preside	1989 President's Budget Reguest	Congre	1989 P.	Congressional Action on 1989 Request	lrans fo	to of	Transfer to Office of	å		-	Ą.	1989 propriet	1989 Appropriation
Activity/Program	5	¥	Amount	CO.	¥	Eos. WY Amount	603	¥	Amount	3		Post MY Amount	803	N N	Amount
Irrate care, custody and programs: Irrast editor Security. Unit Hangement. Irrast Programs.	2,200 6,480 1,740 11,370	1,900 5,452 1,437 9,575	\$218,003 200,397 72,105 52,474 542,979	::::	:::	82, 800 82, 800		::::	::::	:::	:::	\$786 1,929 578 578	2,200 6,480 1,740	5,452 1,437 1,437	\$218,789 202,326 72,683 48.083
Institution administration and maintenance: institution Administration	1.982	1.666	126.143	;						:	Ė				
Staff Training	132 108	2,56	13,733			2002-7	::	::		::		64 64 64 66 64 64 66 64 64 66 64 64 64 64 64 64 64 64 64 64 64 64 6	¥223	200	129,902
Contract Confinement	125	103		:	:	-7,183	:	:	: :	: :	: :	-131		6 6	93,724
Program Direction: Executive Direction	241	247	13,401	:	:	***	-18	-9 -5586	-\$586	: ;	700	700	223 256	238	13,515
Suntotal	464	\$	47,949	:	:	:	9	985- 6- 81-	- 586	:	:	1,112	479	487	48,475
101AL	15,258 12,914 970,195	2,914	970,195	:	:	17,183	<u>8</u>	985- 6- 81-	-586	:	:	***	15,240	15,240 12,905 952,426	952,426
Constant bank bearings the Assessed															

Congressional Action: The Congress provided \$17,183,000 less than the budget request in the Department of Justica Appropriations Act, 1989. The Congress denied the behavior security Federal prison. The remaining reduction the breaking reduction \$14,91,900 was not examined. Of this amount \$4,39,000 was applied against the Contract Confinement Program \$2,800,000 against Irmate Programs and \$7,200,000 against Innate Programs and \$7,200,000 against Programs and \$7,200,000 against Programs and \$7,200,000 against Programs and \$7,200,000 against Programs and \$7,200,000 against Programs and \$7,200,000 against Programs and \$7,200,000 against P Iransfor 10.1hp Office of Inspector General: The transfer is mandated by P.L. 100-504 and establishes the appropriate audit and investigation functions in the Department's Office of Inspector General,

Reprovingmently: The reprogramming reflects the permanent effect of the August 16, 1988 reprogramming netification.

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Federal Prison.System
Salories, and expenses
Summer of Regulrements
(builars in thousands)

Adjustments to Base: 1989 as enacted Transfers to other accounts (Inspector General's Office) 1989 appropriation anticipated. Savings due to management initiatives Mandatory increases. Decreases (automatic non-policy)			00							Perm. HK Pass. MI 15,256 12, 15,246 12, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2	Work- KEATS. 12,914 1/ 12,905 2,006 2,006 4,694	6mount 8953,012 952,426 142,314 142,314 1,018,570	2582525 2582525 2582525 2582525 2582525 25825 25
	1989	1989 Appropriation Anticipated	et ion		1990 Bas	1990 Base	ត	1990. Est imate	lie e	ļ	Increas		ı
Estimates by Budget Activity:	į	X X	il 1/ Amount		/ JH	Amount	Peg.	7	Amount	Perm.		MY 1/ Amount	결
i. Irmate care, custody and programs.	11,370	11,370 9,575 \$541,881	1541,681	11,370	10,901	9570 10,901 \$592,496	13,021	13,021 11,801	\$679,402	1,651	906	\$86,906	8
Maintenance	3,26	2,740	268,346	3,266	3,164	293,898	3,731	3,40	325,424	9.50	28:	31,526	929
Total	15,246	5,240 12,905	952,426	15,240	=	1,018,570	17,41	15,892	75,251,1	2,231	861.1		32
	Approp.		Moroo. Reimb. Intel	Approp.	Morros. Reimb.	Igtal	Approp.	Montago., Reimb.	Iotal	Approx	Approp. Reimb.	L fotal	Ξ
Full-time permanent	15,240		15,240	15,240	:	15,240	17,471	:	17,471	1,231	:	2,231	153

1/ Excludes 127 reimbursable workyears

Federal_Rclson_System
Salaries_and_Kinenses
Summary_ol_Resources_by_Program
(hollars in thuissinds)
1989 Appropriation

			r na server						
ecce ass	Eos. HI Amount	\$28,641 27,864 17,901 12,500 86,906	11,694 1,620 18,212 31,526	11,422	4,130	133,984			
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		306 867 265 1,651	274 41 150 465	25	ลสุร	1:27	,	•	_
1990 Css.imate	Amount	\$258,994 255,388 97,535 67,485 679,402	152,393 15,694 152,337 325,424	91,817	14,799 41,112 55,911	762,423 11,760 11,336 758,392 15,240 12,905 952,426 15,240 14,694 1,018,570 17,471 15,892 1,182,554 2,231 1,198 133,98			
90_Cst.	귳	2,318 6,595 1,801 1,801 11,801	2,082 152 1,121 3,405	121	238 535	15,892	16,013	\$\$ \$	16,259
٦	6.3	2,506 2,005 1,163	2,256 173 1,731 3,731	133	283 283 283	11,471	•	•	_
-	桑	\$230,353 227,524 227,524 54,285 592,496	140,699 14,074 139,125 293,898	80,395	14,349 37,432 51,781	1,018,570			
1990, 8ase	¥	2.152 6.149 1.660 10.90	1,935 132 1,1697 1,164	125	263 504	14,694	127 14,821	<u> 25</u>	15,049
٦		2.200 6.480 1.740 11.370	1,982 132 1,152 3,266	125	478	15,240	••-		_
Anticipated	Amount	2218,789 202,326 72,683 49,083 541,881	129,902 13,779 124,665 268,146	93,724	13,515 34,260 48,475	952,426			
Approp	Š	1,900 1,437 1,437 9,575	1.666 2.740	103	238 487	2,905	13,0,81	£ ??	13,252
	į	2,200 6,480 1,740 11,370	1,982 132 1,152 3,266	125	225	5,240		•	-
vals	of Pos. W Amount	\$154,083 45,915 34,726 425,174	101,137 9,567 88,267 198,971	82,654	18,321	158,392			
988_Act	ž	1,450 1,235 631 8,206	1,546 90 2,504	93	252 252 252 252 252 252 252 252 252 252	11,336	11,463	200	11,797
٦	60	1,713 5,099 1,300 8,809	1,497 2,488	69	34 E85	11,760			
cted	Egs. W. Amount	\$154,189 193,221 46,242 429,078	9,717 9,717 88,220 199,125	82,646	18,301 33,273 51,574	762,423			
AS EN	ž	209 209 626 099	1,485 863 2,428	75	268 268 268 268 268	E'-	12,23	ř	828'11
986		5,099 1,300 1,300 8,809	1,497 80 2,488	6	35	1,760	-	•	_
	Cating tes - 03 Ecoge ami	Irmate rare, custody and programs. Invale care	Institution administration and maintenance: Administration: 1,497 Staff training: 80 Maintenance: 911 Subtotal: 2,488	Contract confinement	Program direction: Executive direction Administrative services. Subtotal	Total	Reimbursable workynars Intal workynar ceiling Other Workynars.	Hotelday, Overtime	work years

ERGERAL_PLISOn, System Splanter_and_expesss dustification_ar_fromen_and_friformance Activity Resource Summary (Dollars in thousands)

.ceass	Amount	\$28,641 27,864 17,901 12,500 86,906
590/Wee	Perm. Pos. MY	24 <u>- 4</u> <u>6</u>
ğ	Por.	368 867 1.651
imate	MY Amount	\$258.994 255.388 97.535 679,402
990 Est	덫	2,318 6,595 1,801 1,801
7	Perm.	2,506 7,347 2,005 1,163 13,021
	MY Amount	\$230,353 227,524 79,634 54,985 592,496
1990 Bas		2,152 6,149 1,660 10,901
	Pos.	2,200 6,480 1,740 11,370
ar ton	Amount	\$218,789 202,326 72,683 48,083 541,881
1989 Appropriation Apticipated	덫	1,900 5,452 1,437 9,575
1989	Par.	2,200 6,480 1,740 11,370
irmate Care, Custody	and Programs	Care
lct 1v1ty1		imate Institu Unit Hu Imate Total

This budget activity includes the cost of food; medical cara; clothing; linens; security; welfare services; release clothing, transportation and gratuitles; housen unit furnishing; academic; social and occupational education courses; letsure time programs; and religious and psychology services. Also included are the salarios and other expenses of Public Health Service commissioned officers stationed in Federal Prison System facilities.

	1989 A	Appropri	at ion		1990. Bas			90 Est	mate	Incre	Ase/Dec	ease
	Pem.	겊	Amount	Perm. Pos.	33	Perm. Perm. Perm. Poss. W. Amount.	54	텇	Perm. Poss WY Amount	Perm. Pos.	Ş	Perm. 15s. MY Amount Ross MY Amount
Irmate Care	2,200	1,900	\$218,789	2,200	2,152	\$230,353	2,506	2,318	2,200 1,900 \$218,789 2,200 2,152 \$230,353 2,506 2,318 \$258,994 306 166 \$28,641	308	166	\$28,641
LONG-Range Goal: To provide offenders incarcerated in the Federal Prison System with a nutritional diet; comprehensive, accessible high- quality health care services; clean clothing, footwear, linens, toiletries and stationery; and to properly manage the inmate frust Fund.	's incarc	erated i	n the Fed	eral Pri	son Syst tries ar	em with a	nutritic ry; and	to prop	it; compreh	ensive.	access!	ole high- ust fund.
Hajor Objectives:												

Provide three nutritional meals daily including provisions for medical and religious diets.

Continue cost-effective farm operations to supplement food purchased from local snurces.

Professionally analyze food service programs for nutritional adequacy.

Ξ

Continue to provide current level health care sprvices in all lastitutions, which include promotion of good health practices, prevention of discases and disability, inpatient and outpatient treatment, medical rehabilitation services, health education, and to promote dental hygiene and prevention of dental discase.

Heat and/or maintain medical accreditation requirements in all institutions.

to the irmate for distribution Acquire and provide an adequate supply of clothing, fontumar, linens, tolletries and stationery items population.

Haintain laundry and clothing issue/return operations and the Immate Irust Fund.

Base_Erogram_Description; The Federal Prison System (FPS) continues to provide three nutritional meals daily. These meals are certified for nutritional adequacy by registered deleticians and are well within the Recommended Dieday Allowaces of the Deportation of Agriculture's Minoral Revearch Council. Heal preparation is accomplished primarily by image workers, about 10 percent of the population under the supervision of sacf. The United States Pentlentiary at Longoc, CA and the Federal Correctional Institution at El Reno, OK utilitie away analybele and resources in the limited production of bed and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and para-professional health care personnel including physicians, dentists, nurses, pharmacists and physician assistants. Within 14 days of admission, all inmates receive a complete physical, mental health, and dential examination Sick call, which includes estamination of patient complaints, ordering and assessment of diagnostic tests and a medical externent plan is conducted five days a week. Medical emergancies during other than normal working hours or on weekends and holidays are handlind on an on-call basis. If an immate has a health condition which is beyond the professional capability of the institution's medical staff, the immate is referred to a contract physician or hospital in the community or one of the Bureau's medical referred centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, MO is the major medical referral center for the Federal Prison System.

There are five additional regional medical centers within the FPS health care delivery system. The Federal Medical Center (FMC), Rochester, M accepts referrals of both male and Federals medically medical and psychiatric cases and small ordinates of its affiliation with and Southeast Regions. FCI, Lexington, KY handles female medical, and special cases nationaled. Also, selected chronic disableshoot, generalizing cases mainly from the Northeast both male and female medical and male psychiatric cases nationaled. Also, selected chronic both male and female medical and anale psychiatric cases nationally. FCI, fort Morth, TX accepts referrals of male geriatric cases.

. The U.S. Public Mealth Service continues to provide personnel in support of the Federal Prison System medical program. Medical, surgical, and rehabilitative services not available in FPS medical facilities, are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities.

The Federal Prison System maintains an inventory of clothing, footwear, tolleteries, linens and writing supplies for issue to all immates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with immate labor under staff supervision.

In addition, FPS maintains an Immate Trust Fund account for all monies on deposit for each immate. Monthly immate earnings received for work with federal Prison industries, performance pay, and money from family, friends or other sources during visits or via the mail are deposited directly to each immate's account. Immates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

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	7967	1988	6861	1989
Food and Farm Services: Heals provided (Daily) Percent Of Recommended Dietary Allowance.	127,881	131,505	151,134	169,200
Number of farms operated	\$1,501		\$2,704	
Medical Services: Outbat lent visits	1,198,718	1,354,008	1,543,569	1,733,130
Inpatient visits	8,214	9,444	10,766	12,088
Complete physical exams	58,249	66,024	75,267	84,510
Vision refractions	13,128	15,433	17,593	19,754
Laboratory tests	1,053,887	1,260,793	16.048	18.019
×	93,659	99,642	113,592	127,541
Consultant visits (institution and community).	170.942	190,206	216,835	243,464
Dental visits	215,859	242,032	275,916	309,801
Dental exams	46,349	52,300	59,622	66,944
Dental procedures	136,000	189,732	216,294	242,857
Numan Immunodefictency Virus (HIV) Tests	14,136	31,456	35,860	40,264
Other Inmate Services:				
Supply of clothing/footwear	216,275	236,900	256,700	287,500
Supply of lineas	318,360	348,750	377,900	423,200
Laundry manhours	16,442	18,000	19,500	21,500
Inmate Trust Fund collections (\$ in 000's)	\$68,603	\$81,037	\$92,382	\$103,727
inmate Trust Fund disbursements (\$ in 000's)	\$63,135	\$75,572	\$86.152	\$96,732

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The Presidential Commission on the HIV epidemic acknowledged the Bureau's HIV program as a model in corrections through continued emphasis on education, follow-up and monitoring of the prevalence of HIV infection within the immate population. A random sample shows a relatively stable 2.5% of incoming immates as HIV positive and no seroconversions beyond six months. However, with the population growth during 1988 to PPS has provided care and treatment to an increasing number of AIDS patients. This trend is expected to accelerate as a result of changes in sentencing quidelines and mandatory sentencing.

changes in sentencing guidelines and mandatory sentencing.										
		1990 Bas		198	O Estin	ate	Incre	saG/Jase	rease	
Program_Changes:	Pos.	걸	Amount	Pos.	덫	Amount	E S	¥	Post WY Amount Post WY Amount Post WY Amount	
Inmate Care	2,200	2,152	\$230,353	2,506	2,318	2,200 2,152 \$230,353 2,506 2,318 \$258,994 306 166 \$28,641	306	991	\$28,641	

Program Changes: The request includes \$12,478,000 to provide for a projected increase in the average daily population of 6,022 from \$0,378 in 1989 to 56,400 in 1990. Within this amount, \$6,247,000 is for food supplies, \$4,891,000 is for medical services and supplies and \$1,340,000 is for clothing, footwear, bedding, toiletries, etc.

In addition, 94 positions, 60 workyears and \$12,983,000 are included to provide resources to activate new facilities in 1990 as follows:

	Estimated		E Eom	Eood and Form Service	P F	25	Medical Services	Other	Iomate	Other Inmate Services
Eacility:	Date	F 05.	¥	Amount	1 02	Ħ	Amount	á	Ħ	Amount
Three Rivers, TX FCI, 700 beds	1/90	13	٣	\$852	91	4	\$1,871	7	~	\$387
Milan, MI Satellite Camp, 150 beds	06/9	~	_	196	2	-	396	-	-	8
Bastrop, TX Satellite Camp, 150 beds	06/9	6		196	~	-	396	-	-	8
Lewisburg, PA Camp Expansion, 100 beds	06/9	:	:	153	-	:	383	:	:	8
Sandstone, MN Satellite Camp, 150 beds	06/9	~	_	196	7	-	396	-	-	8
Rochester, MN Mousing Unit, 100 beds	9/90	-	:	113	-	:	528	:	:	53
Five Acquired Camps, 1,250 beds	10/89	2	17	2,071	7	7	3,900	~	~	814
Total		44	12	3,781	125	21	7,601	12	۳	1,601

This budget provides 212 positions, 106 workyears and \$3,180,000 to improve staffing in the immate care program as a result of workload increasing in direct proportion to the immate population.

Within the request to improve staffing is 60 positions, 30 workyears and \$900,000 for the food service program. Since 1981, the number of meals prepared on a daily basis have increased by 84 percent from 71,349 to 131,505. This workload increase has created a severe strain on the food service programs capability to supervise the preparation, service and clean-up of three daily meals: In particular, those

institutions approaching the 100 percent overcrowding level have had to extend hours of operations and, in some cases, add an extra shift. It should be emphasized that the quality of the food service program has a dramatic impact on inmate morale.

Also staff increases include 135 positions, 68 workyears and \$2,040,000 to maintain the delivery of medical services at existing institutions. With the increased insmale population there is a commensurate increase in the number of patients and patient visits for the mide variety of medical services that the Federal Prison System is required to provide. Modest increases in staffing are required to continue to provide comprehensive, accessible health care services.

Finally, 17 positions, 8 workyears and \$240,000 will enable the laundry, clothing issue/return, and inmate trust fund operations to continue uninterrupted.

	1989	Appropri	at ion		.0001	,	-	200	,	-	700,000		
	Perm.	TE INDICE		Perm.	1227 Bd	,	Perm.	727 631	Mare	Pera.	7277251	2000	
	Pos	Ħ	. MY Amount Ros. WY Amount Ros., MY Amount	Pos	덫	Amount	P05-	봊	- MY Amount Pos., MY Amount	F05	귳	Amount	
Institution Security	6,480	5,452	\$202,326	6,480	6,149	\$227,524	7,347	6,595	6,480 5,452 \$202,326 6,480 6,149 \$227,524 7,347 6,595 \$255,388 867 446 \$27,864	867	446	\$27,864	
Long Range Goal: Provide institution security, inmate control, and immate supervision to assure maximum protection for the community, staff, and immates consistent with program requirements in all FPS facilities.	securit	y, inmat equireme	e control, nts in all	and fin	mate sup	ervision	to assure	max fm.	m protecti	on for ti	Se comm	unity.	

Halor Objectives:

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshals Service.

<u>Base Program Description</u>: All institutions are assigned a security classification based in part on the physical design of each facility. There are six security level classifications, one being the least restrictive and six the most restrictive. Offenders are assigned a custod status which relates to the degree of supervision needed, and from a security and custody standpoint, are assigned to an institution. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of predatory offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structurally visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of malled for fence high manted the perimeter supplemented by manned gamed towers, rator dape concertinal wire strung between a double fence, high mast infinity to liquinate the perimeter, perimeter patrols and highly technical equipment such as alarm systems and video surveillance. Enfrances through the perimeter are controlled by a series of gates, both electrical and mannal, supplemented by metal detection systems and search procedures for weapon and controlled by a series of gates, both electrical and mannal, supplemented by metal detection systems and security, commencing when an irmate is committed and terminating upon his/her release. Supervision of inhades is provided in living units, visiting areas, dining halls, recreation areas, and any other area where immates may be located or have access to.

Regularly scheduled counts are conducted several times a day in all institutions in order to monitor inmates whereabouts. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Institution Discipline Committee for hearing and decision. An administrative rimedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of offenders from the general population who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Distolphinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Immates are held in segregation only after a due process hearing where the immate is given the opportunity to rebut the charges.

In coordination with the United States Marshals Service, the Federal Prison System maintains a prisoner transportation system including the transportation of Mitness Security immates.

Accomplishments and Morkload: Actual and estimated accomplishments of the Institution Security program are presented in the following table:

1988

1961

98.5%	1:68
99.5%	1:24
90%	1:35
98.5%	1:72
99.5%	1:26
83%	1:40
98.5%	1:68
99.5%	1:24
85%	1:38
98.4%	1:66
99.4%	1:23
80%	1:37
Successful confinement rate. Incapacitation rate. Security staff coverage rate.	Start to Immate Total for Mainight to 8:00 AM). Day watch (7:30 AM to 4:00 PM). Evening watch (4:00 PM to midnight).

The successful confinement rate is the percent of those inmates who will not be involved in assaults, homicides and suicides. The incabacitation rate is the percent of immates confined who will not escape. As illustrated in the above table, FPS continues to minimize the situations and opportunities which lead to prohibited acts. In 1988, only one percent of the FPS average daily population were involved in assaults, homicides, suicides and escapes.

FPS establishes institution staffing guidelines through ongoing full-field reviews which consider the institution's security slevel, posts such as front entrance, control room, housing units, segregation/detention, visiting mooms, perimeter security activities areas, etc., and etc. especity and overconding level. The security staff coverage rate is the percent of institution posts that can be covered with available staff (workyears). Covering all posts improves security and is a factor in reducing the incidents of negative immate behavior.

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It should be emphasized that the institution Security Program is on a twenty-four hours per day/seven days per week basis. Staff as measured in workyears must be distributed between three work shifts as referred to in the above workload table as the morning, day, and mental morning watch. Itsis, a presentation of an overall security staff to invate ratio of 1:9 in 1999 would be totally misleading. As indicated in the above table, an FPS facility on the average could expect a security staff to immate ratio of 1:68 on the morning watch, 1:24 on the day watch and 1:35 on the evening watch. In reality, even those ratios are misleading because the staff on duty are assigned to different posts, e.g., control room, housing units, perimeter security, etc. An officer assigned a housing unit post can expect a 1:150/200 staff to immate ratio.

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The U.S. Penitentiary at Marion, Illinois continues to house the 350 most dangerous offenders in the Federal Prison System. Approximately 25 percent of the Warion population is now housed in units whose operation approximates those of other Federal penitentiaries. Assault rates have dramatically decreased at Marion. In addition, we helieve that Marion serves as a disincentive to assaultive behavior by immates in other institutions.

During 1988, the prisoner transportation system handled approximately 92,000 moves. In addition, over 139 Witness Security cases were relocated without incident.

	1990 Bd	356	1990 Es	imate	Increa	se/Dec	rease
Program_Changes:	Pos. HY Amount Pos. HY Amount Pos. HY Amount	Amount	Pos. W	Amount	Pos.	Ä	Amount
Institution Security	6,480 6,149 \$227,524 7,347 6,595 \$255,388 867 446 \$27,864	\$227,524	7,347 6,59	\$255,388	867	446	\$27,864
Program Change: The persists includes 6000 000 to consider for counties execution sites, sentiment forces	and the second of the	20110	Ash. hotel	on the total	4000	4	20, 10,

Program_Changes: The request includes \$909,000 to provide for security supplies associated with a projected Federal immate.population increase of 6,022 from \$0,378 in 1989 to \$6,400 in 1990.

In addition, the request includes 260 positions, 142 workyears and \$6,852,000 to provide resources to activate new facilities in 1990 as follows:

Escility:	Estimated Activation Date	lost is Pos.	ut ton .	Institution Security Sec. NY Amount
Ihree Rivers, TX FCI, 700 beds. Hilan, HI Satellite Camp, 150 beds. Bastrop, 17 Satellite Camp, 150 beds. Levisburg, PA Camp Erpansion, 100 beds. Sandstone, MN Satellite Camp, 150 beds. Rechester, HR Mosting Unit, 100 beds. Hemphis, TN Segregation Unit, 80 beds. Five Acquire Camps, 1,250 beds.	06/9 06/9 06/9 06/9 06/9 06/9	106 9 9 15 98	82222223	\$1,452 232 213 213 232 232 232 164 3,995
Total		260 142	142	6,852

The request also includes \$10,983,000 to purchase inventory (\$5,260,000) and equipment (\$5,723,000) destroyed during the disturbances at the Atlanta and Oakdale facilities. This will allow for the reactivation of these facilities.

Finally, this budget includes 601 positions, 304 workyears and \$9.120,000 to improve security staffing at existing institutions. Operating the Federal Prisos System at 60 percent over its designed capacity without commensurate staffing increases has placed too severe demands on too fea staff. Ealiure to improve staffing system-fide in light of the level of overcrowding can seriously compromise institution security, endangering life and property. While this request appears to be substantial, in reality, only two (2) security posts can be created per institution. Since security is provided twenty-four (24) hours per day and seven (7) days per week, five (5) additional positions are insulred to create just one security post.

	198	Appropr	1at ton										
	Ar	ticipate	J		1990 BB	š	3	C CS LE	ate	locre	se/Dec	rease	
	Pera.			Perm.			Pera.			Perm.			
	1 032	5	Amount	Pos. MX	덫	Amount	P05.	덫	Pos. WY Amount	Pas.	보	Amount	
Andrew M. Alek	•	:		•		***				;	:		
חוור שקיקלים של ייייייייייייייייייייייייייייייייי	1,/40	1,43/	1,740 1,43/ 3/2,083 1,740 1	1,/40	1,000	\$79,039	2,005 1,801	1,801	555,78	191 607	₹.	106'/16	

LONG Bange Goal: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling programs which are most likely to aid immates in a successful adjustment to the institution and, upon release, a successful return to the community.

Major Objectives:

Subdivide the immate population into small well-defined and manageable grnups whose members develop a common identity from close association with each other and their unit staff.

increase the frequency of contacts and improve relations between staff and inmates.

Ensure that decisions regarding immates are made by staff most closely associated with those immates, increasing the quality and swiftness of the decisions.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for immates who have the need and motivation to participate.

Base Program Description: The purpose of the Unit Management program is to improve inmate control and establish healthy relationships statement staff and inmates by dividing the large institution nopulation into smaller, more manageable groups. A team of multi-disciplinary staff and interactive and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the immates. This places scrivings to the users and permits decision-making by those who are most knowledgeable of the immates and their programs. The interaction between immates and staff enhances communication and most knowledgeable of ithe immate and evel not possible in a centralized correction between immates and staff enhances communication and proper classification of immates and development of immate programs on the basis of need and motivation.

Accomplishments and Mockload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

	7967	1988	6961	0661 6861
Average daily population.	42,627	43,835	50,378	56,400
umber of Units.	186	2.34	253	283
ounseling Hours	450,000	463,500	556,200	667,440
initial Classification Studies	19,807	20,401	22,033	24,676
itudy & Observation Reports	733	755	812	913
Fass for Reports	12.406	13,033	14,075	15,765
CIC Seferral Reports	7,936	8.174	8.828	9,887
Fur lough, Processed	18,236	18.783	18,971	19,161
Refeases.	26,172	26,739	30,730	34,404
The Federal Prison System has virtually met its goal of establishing functional unit management in most of its facilities. However, because of the rapid growth in population, it has become necessary in some instances to return to a centralized management system or to administratively combine two units into one larger unit under the supervision of one unit manager.	anagement in m o return to a nit manager.	centralized	facilities. management	However, system or to

	4000	1990_Ba	156	1	90 Estim	ate	locrea	Se/Dec	rease
Program Changes:	P05.	5	Post WY Amount Post WY Amount Post WY Amount	Pos.	Ħ	Amount	P05.	걸	Amount
Unit Management	1,740	1,660	1,740 1,660 \$79,634 2,005 1,801 \$97,535 265 141 \$17,901	2,005	1,801	\$97,535	592	Ξ	\$17,901
Program Changes: The request provides an additional \$593,000 for contract services and supplies associated with the projected population increase of 6,022 from \$0,378 in 1989 to \$6,400 in 1990. In addition, this level includes 85 positions, \$1 workyears and \$5,864,000 to activate or expand this program at the following facilities scheduled for completion during 1990.	or contraddition,	act ser this 1 for com	vices and evel inclu pletion du	supplie ides 85 iring 19	s associ position 90.	ated with s, 51 work	the proje years and	cted p \$5,86	opulation 4,000 to

	Activation	lioit	"Yananem	100
Eacility:	Date Ros. MY Amount	5 0	겊	Amount
Three Rivers, 1X FCI, 700 beds	1/90	28	^	\$1,385
Hilan, Hi Satellits Camp, 150 beds	(6,)	5	~	303
Bastrop, IX Satellite Camp, 150 beds	9/9	S	~	303
Lewishurg, PA Camp Expansion, 100 beds	06/9	2	~	301
Sandstone, MM Satellite Camp, 150 beds	9/9	~	~	303
Rothester, MM Mousing Unit, 100 beds	9/9	~	_	192
Five Acquired Camps, 1,250 beds.	10/89	35	32	3,075
fotal		85 51	15	5,864

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The request also includes an increase of \$8,744,000 to provide funding for the partermance_Bay in the Salaries and Expunsivable formation. Inmate Performance Pay, which is currently funded by forderal Prison industries, is not for inmates employed by Industries is for payments to immates who work in other prison areas such as food service and maintenance. Bestdes reducing isleness which can lead to negative immate behavior, the utilization of immate workers results in significant savings to the Federal government. The Immate Pay System provides a postitive incentive for immates to work. The immate performance pay scale ranges from 11 cents to 38 cents per hour. Fifty-five percent of immates are paid at the lowest rate.

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Also included are 180 positions, 90 workyears and \$2,700,000 to continue to improve case management and counseling services. Case management workload has multiplied dramatically. The case manager's time is devoted to preparing mandatory reports, such as initial classification studies, parole hearing reports, study and observation reports, transfer reports, and CIC referral reports. Because of the task of staff, the timeliness of these reports has suffered and other duties such as Central immate Monitoring, technical assistance and immate most receiving adequate staff attention. This request will enable existing institutions to adhere to the established unit secretary for every 150, immates and not less than one case manager per 100 immates, not less than one counselor per 100 immates and not less than one

	٩	Licipat	pa	٩	90 Base	***************************************	٦	290 Est 1	nate	Incre	ag/asp	rease	
	Pe3.	덫	Amount	Pem. 201	겊	Amount	Peri.	겊	Perm. Perm. Perm. Perm. Perm. Perm. Poss. NY Amount 20ss. NY Amount 20ss. NY Amount 20ss. NY Amount	Par.	뎣	Amount	
ite Programs	920	186	\$48,083	920	940	\$54,985	1,163	1,087	\$67,485	213	147	\$12,500	
Range Spal: Provide general and occupational education opportunities to all Immates destring or required to participate; Vide Federal offenders with a full range of recreation and leisure activities to improve their physical and mental health and promote development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of	l occupati l range o rsonal an	onal ed f recre	ucation op ation and 1 skills t	portunit leisure o better	enable	les to imp them to c	s destri	Ing or restriction	equired to ical and my ychological	particip ental hea l and phy	ate: Ith an	s promote impact of	

Provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement and;

Provide immediate and long-term psychological care for Federal inmates with mental health problems and assist in the decision making of the courts, prison administrators and parole officials.

Major Objectives:

Provide education programs designed to meet immate needs for functional literacy, high school equivalency, continuing education, and personal growth and to enhance their employability upon release.

Maintain education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies.

Provide a variety of indoor and outdoor physical, cultural, and related leisure activities with opportunities to belong to social and other groups.

*

Make available the appropriate worship services of the various religious disciplines represented within the inmate population and provide a variety of non-worship religious program options.

Provide psychological screening for every inmate admitted to the FPS.

Provide psychological care to inmates admitted to inpatient mpntal health program.

Provide psychotherapy and crisis intervention counseling.

Provide employee assistance programs.

Provide psychological evaluations requested by the courts, parole officials, and prison administrators.

Continue drug abuse and alcohol abuse special treatment provious.

Provide staff training in mental health areas.

BBSE Program Description: Immate programs include general and occupational education programs, leisure time activities and religious and psychology services.

General education programs are designed to meet specific inmate needs for functional literacy, high school requivalency, continuing education, and personal growth. There are five major components of the general education program: Adult Basic Education, General Education Development, Adult Continuing Education, Postsrcondary Education and Social Education.

The Adult Basic Education is designed for the 25 percent of the inmate population having less than an eighth grade education. The General Education Development component is for the nearly 50 percent of feeders offenders who lack a high school diploma and consists of high school equivalency courses and general equivalency examinations. Adult Continuing Education courses are designed for immates who have a desire to "brush up" in a special area or enroll in a special interest program. e.g., speed reading, English, mathematics, contemporary issues, history and foreign language. Postsecondary Education courses are for immates who have successfully completed high school and what to durther their education, e.g., drafting, computer technology, data processing, and dental technology. The Social Education component helps immates develop a positive self-image and adequate social skills.

Occupational education programs serve to enhance the employability of offenders upon release, particularly those who either lack solid employment history or a safeable still. The majority of federal offenders are unstilled at the time of compliant to prison. Federal offenders can choose a vocation, through instruction, more experiences, and career orientation; acquire or improve productive work stills and habits; and gain practical knowledge essential to working and functioning in a complex industrial technical world of work.

A wide variety of leisure time activities are offered at each federal prison including indoor and outdoor individual athletic and sports activities, and to activities, music and drama activities, movies and frequently, quest performances.

Chaplaincy personnel conduct the religious services of their particular faith group and arrange for the delivery of religious services of the smaller faith groups. Approximately 28 contracts are issued annually for the delivery of services of the smaller faith groups and other regularly services. Chaplains also recruit, train, supravise, and stain approximately 2,800 volunteers from the community who regularly visit the institution to participate in the religious programing. Over 13,000 religious worship services are conducted each the representing the various religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

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Psychology staff are an integral part of correctional treatment administering programs of group and individual psychotheapy, crisis intervention, personal development classes, and staff consultation/cribating. Policy requires that every innate admitted to a FPS facility depends of every intervention. The purposes of the screening which consists of psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisomment; and discuss possible program needs with the immates and provide information about them.

Both individual and group psychotherapy is available to immates who express a desire and evidence need for it. Training and orientation programs are also offered for developing "life competency skills" including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis counseling has been acknowledged by mental health professionables as a powerful, viable skill. FPS psychologists have expertise in this area and have provided training and consultation to staff in all institutions. FPS psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

Accomplishments and Workload: Actual and estimated accomplishments of this program are presented in the following table:

	Estimates 289	22,546 15,904 5 6,461 3 11,793 1 18,707	7 10,831 12,204 3,080 3 7,767 1 11,578 1,390
in the same	1-4	20,079 14,165 5,755 10,503 16,661 3,529	9,647 10,869 2,743 6,918 10,311
1101 201 11	8867	17,614 12,425 5,048 9,213 14,615 3,096	8,462 2,534 2,068 6,068 9,045
מון פוב או באבוורבם	7861	12,216 12,216 5,790 5,790 12,523 22,507	5,667 6,587 2,559 7,559 12,366
Sold city broken			
מוצח פשרושפופה מרכיחשה	-		
מרות מות המות המות המות המות של מות פצר ושפרפת מנרכונים והיו ביותר להים להים מני להים מני להים ביותר המותר המי		Eurol Immusers descrition Adult basic education Adult continuing education Post seconducation development Post seconducation Cocupational education English as a second language 1//	Completions: Adult baste education. Adult continuing education. General education development Cost secondary education Cocupational education. English as a second language 1/
Charles I Street	Educations	Enrollments: Adult basic e Adult continu General educa Post secondar Occupational English as a	Completions: Adult basic 4 Adult contint General educt Post secondar Occupational English as a

1/ Reported in 1987 as part of Adult Continuing Education

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	1987	1988	150	1989 Estimates 1990
Rei igious Services: Worship Non-worship programs (represent monthly totals)	12,000	13,211	13,700	14,500
Psychology Services: Witness protection evaluation Court evaluations. Court evaluations. Court evaluations. Court in evaluations. Court in evaluations. Court in evaluations. Court in evaluations. Court in more therapy sessions. Crisis intervent in sessions. Suicide prevention evaluations. Crisis intervent in evaluations. Crisis intervent in evaluations. Crisis intervent in evaluations. Crisis intervent in evaluations. Crisis intervent in sessions. Crisis intervent in sessions. Crisis intervent in sessions. Crisis intervent in sessions. Crisis intervent in evaluations. Crisis intervent in sessions.	2 042 40,208 40,208 11,208 11,508 10,823 10,823 1,500 1,377 1,1549	2 260 44,048 42,998 12,375 33,766 1,600 1,600 1,555 12,652	2 300 47,725 46,588 46,588 38,725 36,886 1,650 1,500 1,500 1,500 1,500 1,500	336 2,714 53,482 52,174 52,179 15,017 40,976 1,750 1,550 6,882 15,353

All immates except those specifically exempt, e.g., detained aliens, who function below the eighth grade level, are now enrolled in a mandatory Adult Basic Education program. Promotions to industry and institution above the entry level depend on their meeting the eighth grade level standard. In addition, approximately 4,000 femeral Education bevelopment tests are administered annually. Post Secondary Education programs continue to have one of the high. Tetention rates of all education programs in the Federal declitites and completion rates in college courses are in excess of 50 percent. Over 100 Federal prisoners earn college degrees annually, most of them AA degrees.

Education services at the Federal Correctional Institutions (FCI's) Alderson, WY: Danbury, CN; Milan, MI; Morgantown, WY: Oxford, WI; Safford, AZ and Tallahassee, FI; Pleasanton, CA; Sandstone, MN; Englewood, CO; Ray Brook, MY; the Federal Prison Camp Boron, CA; Julited States Perlisentariate (1987's) Lewisburg, PA; Lompoc, CA; Terre Naute, IN; and Leavenworth, KS; and the Medical Center for Federal Prisoners at Springfield, MO are now accredited by the regional commissions of colleges and schools. In addition, accreditation procedures are in progress at several other institutions.

Apprenticeship programs have been expanded to over 300 training units in approximately 80 different trade classifications at 32 institutions. Approximately 500 inmates enroll in apprenticeship programs annually. Uniform curriculum performance standards have been established for Approximately 500 inmates enroll in apprenticeship programs annually. Will basic education, machine shop and welding vocational courses. Computer assisted instruction was implemented at the FCL's Hemphis, TN Phoenix, AZ, Sandstone, MN, Texarkana, TX and FPC Allenwood, PA during 1988. A total of 26 institutions have computer assisted instruction.

FPS continues to provide 100 percent of the psychological screening for every new admission, the psychological evaluations requested by the courts, and the crisis intervention counseling.

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	Perm.			E		THE PERSON NAMED IN	Porm	50.00	acus.
TOTAL OF TRANSPIR	-Pos.	Ħ	-Poss MY Amount	Pos.	¥	t Pos. W Amount Pos. W Amount	Pos	Ä	MX Amount
Irmate Programs	950	940	\$54,985	1,163	1,087	950 940 \$54,985 1,163 1,087 \$67,485 213 147 \$12,500	213	147	\$12,500
Ergaram Changes: In 1990, FPS projects an average daily population of 56,400, an increase of 6,022 over the 1989 estimate of 50,378, included in the request level is \$1,433,000 to provide supplies and contract services for the increased population as follows: Education, \$702,000; Leisure Activities, \$430,000; Religinus Programs, \$188,000; and Psychology Services, \$113,000.	lation of les and co Programs,	56,400, ntract \$188,00	an incre services 30; and P	ase of 6 for the sychology	022 ove increase / Servic	r the 1989 d populations, \$113,0	estimate on as foi 00.	of 50	378.
Currently, the Federal Prison System's immate Vocational <u>Iraining Program</u> is funded by both Salaries and Expenses Appropriation and Federal Prison Industries, Inc. For 1990, 97 positions, 97 workyears and 88.001.000 is remused to remote the massion as	uning Prog	and \$8.0	funded by	both Sal	lartes a	nd Expense	Appropr	ation	and

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Currently, the Federal Prison System's immate <u>Vocational Tealning Program</u> is funded by both Salaries and Expenses Appropriation and Federal Prison Industries, Inc. For 1990, 97 positions, 97 workyears and \$6,001,000 is requested to transfer the portion of the program funded by Federal Prison Industries to the Salaries and Expenses Appropriation, combining all immate education programs in one appropriation. This eliminates the profitability of Federal Prison Industries as a determinant of the quality and quantity of vocational training programs.

In addition, 42 positions, 13 workyears and \$1,956,000 are requested to permit the activation of new facilities scheduled in 1990 as follows:

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	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ا ا	The request also includes 74 positions, 37 workyears and \$1,110,000 to improve staffing of immate programs at existing institutions as follows:	로= ~~ 리:
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	Facility: Three Rivers, TX FCL, 700 beds. Hilan, Hi Satellite Camp, 150 beds Bastrop, TX Satellite Camp, 150 beds Edisburg, PA Camp Expansion, 100 beds Sandstone, HM Satellite Camp, 150 beds Rochestone, HM Housing Unit, 100 beds Five Acquired Camps, 1,250 beds.	Tota	5	Education Programs. Leisuru Programs. Religious Services. Psychology Services.
			~~	w_~~

9.'T Additional teachers are required for the mandatory adult basic literacy program and increased high school equivalency requirements 37 Z

are required to properly supervise activities and thus minimize the opportunities which can lead to prohibited acts. The drawaling the required to properly supervise activities and thus minimize the opportunities which can lead to prohibited acts. The drawaling increase in the federal invaste population has also intensified the demand for religious services, not only for worship services but also mon-worship programs options including counseling services for 7 #mily crist, marriages, deaths, illnesses and marital problems; prayers metings; moral growth seminars; revivals; etc. Finally, the oppulation explosion has also increased the demand for psychology services including psychological screening-eavilations, suicide prevention, group and individual therapy and crists intervention. In addition, the growth.

- Constant	1989	Appropr	iat fon									
	Ap	Colpate	P		990 8456			1990 53	Imate	luci	ease/De	Crease
ctivity: Institution Administration	Perm.	3	Perm.	Porm.	3	Perm.		3	Amount	Pera.	3	Amount
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nstitution Administration	1,982	1,666	\$129,902	1,982	1,935	\$140,699	2,256	2,082	\$152,393	27	147	\$11,694
_	132	108	13,779	132	132	14,074	=	152	15,694	₹	ຂ	1,620
	77	8	124.665	777	76	139,125	1302	7	157,337	3	7	18,212
	3,266	2,740	3,266 2,740 268,346	3,266	3,164	46 3,266 3,164 293,898	3,731	3,405	1 3,731 3,405 325,424	46	241	31,526
his budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are	ssociated	with t	he general	admini	stration	1, operatic	and m	Intenar	ice of fact	lities.	Includ	are j

This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

	1989 A	Approp	1989 Appropriation Anticipated		290_Bas		1	990 Est	imate	Juc	ase/De	crease
•	Perm.	귳	Amount	Pem.	¥	Amount	Perm.	XI.	Perm. Perm. Perm. Perm. Perm. Ross. HY Amount 2055. HY Amount 2055. HY Amount 2055. HY Amount 2055.	Pos.	≩	Amount
ution Administration 1,982 1,666 \$129,902 1,982 1,935 \$140,699 2,256 2,082 \$152,393 274 147 \$11,694	1,982	1,666	\$129,902	1,982	1,935	\$140,699	2,256	2,082	\$152,393	274	147	\$11,694
<u>ADDS Coal</u> : To continue to provide effective and innovative administration at all institutions and continually seek ways to improve and administrative practices and procedures.	ride effe	ctive a	nd innovat	ive admi	nistrat	ion at all	institu	tions a	nd continua	illy seek	ways t	o improve

Major_Objectives:

Provide executive direction and control at each institution.

Manage each institution's financial resources.

Assemble and maintain an effective workforce and administer personnel policies. Provide for Equal Employment Opportunity.

Implement the new Orug Free Workplace Program.

Maintain effective procedures for the processing and disposition of Federal offenders.

Process all official and inmate mail.

in the

Maintain inmate records.

implement new sentencing provisions of the Comprehensive Crime Control Act.

Maintain standards for safe and healthy working/living conditions.

Base Program Description: The Institution Administration Program consists of an institution's executive staff, financial management office, personnel office, administrative systems office and safety office.

The executive staff at each institution including wardens, associate wardens, and executive assistants, provide overall direction and implement policies.

The financial management office is charged with the management and control of all allotted funds with responsibility for procurement, property management, warehousing, issuing supplies, equipment, contracting for services, disbursement and collection of monies and collection, and input of all data for the automated accounting system and employee payroll.

The personnel office in assembling and maintaining an effective workforce, advertises all vacancies, collects applications, establishes promotion backs and prepares a list of eligibles. The personnel office ensures that all position descriptions are current and accurate. It serves the maingement representative to the union, develops manpower plans for institutions and plays a major role in recruiting minorities to meet Equal Employment Opportunity goals.

The inmute systems office is responsible for the processing of detainers and the admission, transfer, sentence computation for and discharge of all Federal prisoners. The admission process entails the identification of immates, review of court documents, fingerprinting, photographing, and disposition of personal property. Following admission, the immate systems office performs sentence computation, which involves adjustments due to U.S. Parole Commission action, institution Disciplinary Committee actions and good time. This office also maintains relationships with Federal, state and local law enforcement agencies, including the courts and parole boards regarding the criminal status of incarcerated and released immates. Immate systems staff work with the U.S. Marshals Service and Federal Prison System bus and airlift personnel to coordinate prisoner transfers and consolidate all immates' records.

In addition, the immate systems office provides paralegal services such as answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to immate records; and providing expert testimony regarding sentence computation. The office is also responsible for the processing of all institution mail.

The safety program involves the inspection of institutions for sanitation, rodents, unsafe working conditions and presence of hazardous chemicals. The safety officer is responsible for processing accident reports and compensation forms for employees.

ACCORDISTREATS and Morkload: Actual and estimated accomplishments for the Institution Administration program are presented in the following table:

<u>Program Changes</u>: This request provides \$688,000 for the additional immate record supplies and equipment resulting from a projected population increase of 6,022 from 50,378 in 1999 to \$6,400 in 1990. Also included are 112 positions, 66 workyears, and \$8,576,000 to activate or expand this program at the following facilities scheduled for completion during 1990.

274 147 \$11,694

1,982 1,935 \$140,699 2,256 2,082 \$152,393

Institution Administration.....

Program Changes:

Amount

HY Amount

Perm. Pos.

Amount

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1990 Estimate

Increase/Decrease 귳

155,178 6,546,008 6,546,008 35,759 20,828 95,638 95,638 15,533 15,533 10,512 10,512 10,512 37,770 37,770 37,770

1286 15,659 5,800,322 31,848 18,550 90,432 13,878 32,011 37,000 3,500 3,500 3,500 3,500 3,500 3,500 3,500 3,500 3,500

1988 146,272 5,114,805 525,719 27,937 16,247 186,944 12,174 28,900 3,328 5,338 3,328 2,338 3,338 3,338

142,049 3,156,208 316,503 316,503 316,503 13,170 13,175 24,048 89,214 89,214 25,875 3,075 13,075

Purchase Orders
Accounting transactions
Payments
Payments
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Transiers in Processed
Other Movement in (Furloughs, Writs, etc.)
Discharges
Inspirers but
Transiers but
Other Movement Out
Personnel Actions (Internal placement)
Safety Inspections
Accident/Injury Investigations
Fire Investigations

	Estimated Activation		tion Admi	Institution Administration	
Eacility:	Date		Ä	Amount	
Three Rivers, TX FCI, 700 beds Hilan. Hi Satellite Camp. 150 beds.	06/9	41	10	\$3,715 465	
Bastrop, IX Satellite Camp, 150 beds		φ-	7	465 295	
Sandstone, MK Satellite Camp, 150 beds		• 10	:~-	555	
Rochester, RM Housing Unit, 100 Deds Five Acquired Camps, 1,250 Deds	10/89	. Q	- 6	2,923	
Total	:	112	99	8,576	
An increase of 162 positions, 81 workyears and 42,430,000 is requested to continue to improve staffing in three critically understaffed area limits Sustains Austraneaust Financial Management and Descendal Management	we staffing in t	three criti	cally und	erstaffed are	20

An increase of 162 positions, 81 workyears and \$2,430 Irmate Systems Management, Financial Management, and [§]

Irmate Systems Management (ISM) operations have been severely affected by the irmate population explosion. The request includes 90 positions, 48 workyears and 51.350,000 to assure the confined relability, accuraty and quality of sentence computation and good time accounting, handling detailners, retirement of imate files and mail inspection and delivery. The number of new commitments, transfers, releases, etc., are projected to continue at record-breaking rates. Performance in the record offices, in particular, has been affected because of the necessity to divert staff to assist with the receiving and discharge functions because of increased immate movement. The resulting back logs are growing unmanageable. The volume of mail processed has increased about 60 percent over the past five years making more difficult the task of averting the introduction of contraband into the institutions.

2

In addition, the expansion of the Federal Prison System, a high turnover rate for correctional officers, and pay inequities for starting correctional workers have strained the Federal Prison System's efforts to recruit and retain qualified law enforcement employees. Included are 15 positions, 7 workyears and \$210,000 to enhance recruiting efforts and administer personnel policies.

To offset increased workload demands in the areas of cash and inventory management 57 positions, 29 workyears and \$870,000 is requested. The volume of cash transactions from enex commitments, transfers, releases, mailroom operations, commissary and visitors has increased by over 100 percent during the past five years.

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	se/Dec		보	20	neces
	1990 Estimate Increase/Decreas	Perm.	Pos. MY Amount	41	techniques
	mate		Pos. MY Amount	\$15,694	111s and
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	196	Perm.	203	173	teach them
			Amount	14,074	and to
	Base		ξ	132	staff
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riation	pa		Amount	\$13,779	d procedu environm
Approp	Ant icipated		Ħ	108	ctes an
198	A	Perm.	So	132	rent poli
				Staff Training	L <u>ong Range Goal</u> : To communicate current policies and procedures to all staff and to teach them the skills and techniques necessary to maintain a safe, secure and productive correctional environment.

Provide job specialty training including executive/management classes.

Provide three weeks introductory and correctional training for all new staff and advanced correctional classes for experienced employees

Provide institution-based operations training for all staff.

Instruct trainers.

<u>Base Program Description</u>: Staff training is being provided on site at each of the institutions; ut three residential training centers; through external training provided by the Office of Personnel Management and other Federal agencies; by colleges and universities; and by private agencies.

The Fideral Prison System operates a training academy at Glynco, Georgia which provides three weeks of introductory correctional training for all now employees. This facility accommodates up to forty right students. The training academy facilities include bousing for the students, and adequate space for firearms, self-defense, and disturbance control training. Course materials are organized and written and

Estimates

provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee stress management, escapes, fire prevention, first aid, correctional practices, immate discipline, interpersonal communications, and legal issues.

File Malumon

Most of the FDS's meetings, workshops, and conferences are held at the management and specialty training center in Denver, Colorado. This center can bouse thirty-five students at costs substantially less than they would be at a motel. A wide range of courses are available for supervisors and program managers and for trainers who conduct the institution's training programs. These include courses for equal amployment topportunity courselors, unit managers, correctional courselors, unit managers, correctional courselors, unit managers, bospital administrative officers, assembles, and industrial mid-managers. The training center offers courses for required instructor certification in firearms, self-defense, disturbance control, and interpersonal communications.

The FPS also operates a Food Service and Irust Fund Iraining Center at the Federal Correctional Institution (FCI), fort Worth, Texas.

Of necessity, most training must be conducted on site at the institutions. Each institution has a training coordinator who plans, manages, and organizes the institution's training programs. Certain institution-conducted courses are required by national policy. For example, aach new amployee must be given one week of orientation training immediately upon entry on duty. Each experienced employee must immates supervision. Each new case manager training each year in such subjects as self-defense, disturbance control, fireatms, fire protection, and capsor interest. Each new amployee and unit manager must complete a self-study course in case management operations within sixty days of appointment. Each new amployee of federal Prison Industries attends an industrial course in the first day of duty. In addition, new employees must complete an industrial operations course within thirty days after entry on duty; a quality improvement course within four months and an introduction to Federal Prison Industries course within six months.

<u>Accomplishments and Morkload: Actual and estimated accomplishments for the Staff Training program are presented in the following table:</u>

			1987	1986	1989	0661
External Training Provided. STC Training Provided. HSTC Training Provided. Internal Training Provided			2,492 2,473 1,500 29,093	3,430 2,538 1,070 57,436	4,802 3,553 1,498 80,410	6,722 4,974 2,097 112,574
1.	1990 Base	3	1990 E	1990 Estimate	Increase	Increase/Decrease
Program Changes:	Perm. Pos. VIX	Amount	Perm. Pos. M	Amount	Perm.	Y Amount
Staff Training	132 132	132 \$14,074	173 15	152 \$15,694	=	029'15 0
Program Changes: In 1990, the request includes I position, and \$1,020,000 to provide training at the following facilities scheduled for completion during 1990.	d \$1,020,000	to provide	training at 1	he following	facilities	scheduled for

	Estimated Active ton	3	a(L Tra	Staff Iraining.	
Eacllity:	Date	_ .20	겊	Amount	
Three Rivers, TX FCI, 700 beds	1/90	-	:	\$162	
Milan, MI Satellite Camp, 150 beds	9/9	:	:	3	
Bastrop, IX Satellite Camp, 150 Deds	06/9	:	:	38	
Lewisourg, FA Lamp Expansion, 100 beds.	06/9	:	:	138	
Sandstone, An Satellite Carp, 150 Deds.	06/9	:	:	139	
Formester, we housing unit, jud beds.	06/9	:	:	86	
rive Acquired Lambs, 1,250 Deds	10/89	:	:	164	
fotal		-	1	020	
			:	2	

Berne Barrell

96-878 .O---89-

The request also includes 40 positions, 20 workyears and \$600,000 to expand training capabilities at our training academy at Glynco, Georgia and the management and speciality training center in Denver, Colorado commensurate with staff increases.

	198	9 Appro	1989 Appropriation Anticipated		1990 B	95		1990 Es	timate	loc.	Dease/D	PCTPASO	
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tution Maintenance	1,152	996	\$124,665	1,152	1,097	\$139,125	1,302	1,171	\$157,337	150	7	\$18,212	
Mange Goal: Continue preventive maintenance program, provide continuous service of all utilities in the most energy efficient manner, rovide transportation services in support of institutional operations.	e mainter	nance pr	rogram, pr institutio	ovide co	nt innous	service o	of all u	tilitie	s in the mo	st energy	, effic	tent manner,	

Long-Ra

Major Objectives:

Purchase utilities or maintain and operate utility systems and central power plants.

Maintain and operate telecommunication and transportation services.

Maintain the interior of all buildings such as plumbing, electronics, masonry, mechanics, carpentry and painting.

Maintain the exterior of all buildings including landscaping, gardening fence repair and painting.

Implement motor vehicle management program.

Base Program Description: The Institution Maintenance Program covers the requirements for adequately maintaining and operating the physical plants of the Federal Prison System. Facilities vary in age from 100 years to buildings recently constructed. Over fifty (50) percent of the facilities are shown than 30 years old which is the expected life of buildings without major repair. The facilities are situated on approximately 31,000 acres and the buildings contain approximately 16 million square feet of floor area, all of which must be maintained and furnished utility services. Complex heating and air conditioning systems, high pressure stoam power plants, sophisticated hospital equipment, emergency

commensurate with 19 workyears and

5

1,152 1,097 \$139,125 1,302 1,171 \$157,337

institution Maintenance.....

Program_Changes: The request includes an increase of \$8.434,000 for utilities, trash removal, and maintenance supplies a projected population increase from \$0,378 in 1989 to \$6,400 in 1990. In addition, this level includes 40 positions, \$8,128,000 to activate or expand this program at the following facilities scheduled for completion during 1990:

electrical power systems and fire protection and life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic branch exchange telephone systems, radio systems including base station and mobile units and several electronic detection and control systems. Additionally, this program provides for the maintenance and operation of approximately 900 vehicles.

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Requirements are identified through regular inspections conducted in the on-going preventive maintenance program; formal semi-annual inspections; and through requests for specific needs identified by institution staff members. This program finances maintenance projects estimated to cost \$4,000 or less. Maintenance requirements in excess of \$4,000 are included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by immate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen immates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitters, air conditioning mechanics and electronics repairment. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Haintenance program are presented in the following table:

							Estimates
			1981		1988	1989	1990
Major maintenance projects completed (\$200-\$4,000)			93		952	966	.080
Minor maintenance projects completed (\$200 or less)			135,054		137,927	143,444	151,000
Power Plants operated			ř		=		37
Energy Consumption:							
Electricity (KMA)			250,517,366	303,822,360		334,204,596	350,914,826
Natural Gas (cu ft)		_	,873,155,223	=		995,799,516	2,095,589,492
#2 Fuel 011 (gal.)			1,402,809	_	716.475	1,888,123	1.982.529
#6 Fuel 011 (gal.).			520,487		520,487	520.487	520,487
Coal (Tons)			13,438		13,718	13.718	13.718
Propane (gal.)			1,181,702	Ξ	1,702	1,181,702	1,181,702
Purchased Steam (1bs.)			4.471,114	4.47	4,471,114	4.471.114	4.471.114
Purchased Chilled Water (Ton Hours)			942	•	942	942	942
Vehicle miles driven			9,013,566	•	,142,975	9,735,020	10,699,218
	5	1990 Base	9	1990 E	1990 Estimate		Increase/Decrease
4	Perm.		, a	Ē.		Pe	
Program Changes:	<u>Pos.</u>	귴	Amount	Pos. MX	Amount	P05.	MY Amount

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Estimated Activation Baintenance Activation Bost Control of State Control	
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LY: NH Satellite Camp, 150 beds. HI Satellite Camp, 150 beds. P. TX Satellite Camp, 150 beds. P. TX Satellite Camp, 150 beds. One. HW Satellite Camp, 160 beds. Camp H Housing Unit, 100 beds. Couried Camp, 1, 250 beds.	
0 bedsmp, 150 bedsmp, 150 beds	
vers, TX FCI, 70 I Satellite Camp TX Satellite Cam TX Satellite Camp TX Satellite Camp TX HW Satellite THE Housing Un	

This request also includes 110 positions, 55 workyears and \$1,650,000 to complete ongoing maintenance requirements identified through facilities inspections conducted as part of the preventive maintenance program. Over fifty (50) percent of the facilities are more than 30 years oid which is the expected lite of buildings without major regalars. In addition, operating the facilities at 60 percent over their expenses has further intensified maintenance workload demands by more than 90 percent. Failure to adequately maintain facilities erodes capital investment and multiplies the costs in future years for accomplishing the required repairs.

;	2450	Mount	11,422	nders
	133773) H	Se \$1	II offer
	Increa	Pos. MX Amount	25	o house a
•	Ale	MY Amount Pos. MY Amount Pos. HY Amount .	125 103 \$93,724 125 125 \$80,395 177 151 \$91,817 52 26 \$11,422	cilities t
	135.10	χį	151	vate fa
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	990 Base	겉	125	ified sta munity fr
•		Perm.	125	d divers
tion		Amount	\$93,724	wality ar em (inclu
389 Appropriation	Cipated	ş	103	high q on Syst
1989 Ap		Perm. Pos.	125	contract, Jeral Pris
		Program Changes:	Contract Confinement	LONG RANGE GOAL: To provide, through contract, high quality and diversified state, local and private facilities to house all offenders requiring confinement outside the Federal Prison System (including Community Freatment Centers).

Major Objectives:

Place all offenders committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Sentencing Reform Act of 1984 in appropriate non-federal Juvenile facilities.

House those offenders who are in danger in Federal institutions, in state correctional institutions or other facilities. Place juveniles near their homes and in community-based facilities whenever possible.

Mease offenders with sentences of up to 180 days or less in local detention facilities.

Provide community residential resources to all FPS releasees deemed eligible and appropriate for release to a Community Treatment Center (CIC) for an average length of stay of 120 days.

and the Provide 100 percent of the community residential program bed space requested by the Federal courts, the U.S. Probation Service Parole Commission.

A AND THE RESERVE TO

Monitor contract facilities and provide training for all contractors annually.

Provide accurate and timely information to the Central Inmate Monitoring and Witness Protection tracking system.

Keep the Federal law enforcament agencies aware of changes in FPS policy, sentencing alternatives and other areas of concern.

Maintain close relationships with state and local correctional agencies to exchange information and manage resources.

Provide individual case management services and perform administrative systems functions for inmates confined in contract facilities.

Base <u>Program Description</u>: Certain categories of federal offenders are designated for confirment in state, local and private facilities. These include persons committed under the Federal Juvenile Statues, who must be separated from adult offenders and placed in community—case); and offenders must be endangered in Federal facilities (protection cases); and offenders with short sentences (generally 180 days or less) who are placed in local detention facilities (jails) for service of sentence.

In addition, FPS contracts with State, local and private community treatment centers for community residential bedspace for offenders who are eligible and need a pre-release tensition program at the rend of their sentences before returning to the community, who the Federal such statements are more than probation and less than full institution confinement and services; who are under probation or parole supervision but need more intensive services and/or programs than can be provided under the "street" supervision of the U.S. Probation of filer; and who are committed directly from court generally serving short sentences. Contract CICs provide services to immits attempting courseling, supervised as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance.

Community Programs Managers (CPM's) develop contractor resources and negotiate and monitor contracts for the boarding of Federal offenders in State and local institutions and in private residential community treatment centers. (CPM's also make recommendations for designation of many sentenced offenders and are responsible for the placement of direct commitments to non-Federal facilities. They provide case management services to all Federal immates placed in non-Federal institutions and serve as technical consultants to contractors on FPS policy. In addition, CPM's serve as the FPS ilaison with members of the U.S. Marshals Service, U.S. Probation Service, U.S. Parole 2001ission, Federal courts, other Federal agencies, state and local government agencies and local community agencies. There are presently acceptable of the service with the United States.

<u>Accomplishments and Workload</u>: Actual and estimated accomplishments for this program are presented in the following table:

	1987	1988	<u> </u>
Number of contracts with Juvenile facilities.	9	2	ì
Number of contracts Little adult factities.	2	\$	
Number of contracts with Walls	38,	ž	5
Number of contracts with community treatment centers	323	325	5 ~

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			133	Estimates
	7867	985 1788	1989	356
Contract monitoring:			į	;
Major use facility	75%	75%	808	55
Hinor use facility	36	20%	86	56
Designations	33,340	35,500	37,000	39,000
Average daily population:				
Juveniles	106	=	115	81
Adult Offenders	9	619	728	1,085
Stort Termers.	1,519	1,716	1,800	2,025
Contract Community Treatment Centers	3,198	3,690	4,225	4,450
Average Length of Stay in CTC's (days)	88	88	100	105

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Since 1977, with only minor exceptions, the FPS has been able to place all juveniles in non-Federal juvenile facilities. During 1988, FPS contracted for the confinement of an average daily population of 110 juveniles. Roughly 24 percent of the juveniles are placed in community-based eatilities and Z percent are confined in their state of residence withic enhances the opportunity to use available institutions to house an average daily population of 679 adult from relatives and friends. In addition, FPS used adult state correctional institutions to house an average daily population of 679 adult federal prisoners who needed protection and those who had special needs. We believe this action has prevented some deaths and assaults and has allowed these immates to live in the general population and participate in programs. This program also allows approximately 9,627 short term offenders (or an average daily population of 1,716) to remain in their home community, near families and friends. It also saves the government transportation expenses to and from a federal institution.

Since January 1982, the FPS has increased the number of immates confined in contract CIC's from 948 to approximately 3,700 today. To maintain this average daily population throughout 1988 will require additional resources. FPS is currently reviewing funding alternatives. Currently the FPS is providing community residential programs at 82% of all FPS releasees deemed eligible and appropriate for release to a clift or an average length of stay of 90 days. Community Programs Hanagers continue to closely monitor CIC placements to insure maximum utilization of CIC bed space within funds available.

In early 1986, the FPS initiated the Special Curfew Parole Program. Inmates still serving their sentences in a CTC have their parole advanced up to 60 days, and are released with a special supervision of home curfew. There are currently 150 people in this program.

During 1988, the FPS will implement a pilot project called the Community Control Program in two districts, Southern Florida and Central California. Immits who are CIC eligible will have their parole date advanced up to 120 days and will go directly into the community from the institution, where they will be monitored electronically by the U.S. Probation Office.

	199	O Base		100	1990 Estimate	Nate	Incr	ase/D	crease	
Program Changes:	Pos. MY Amount	¥	Amount	P35.	덫	Pos. MY Amount	Smount Pos. MY	¥	Amount	
Contract Confinement	125	125	\$80,395	111	151	125 125 \$80,395 177 151 \$91,817 52 26 \$11,422	25	92	\$11,422	

2-2-1-6 800

<u>Program Changes</u>: In 1990, the request includes \$7.183.000 to expand state and local conteacts by an average daily population of 460. In addition, the request includes \$2.009,000 to increase the average daily population in contract Community Treatment Centers from 4.225 to addition, they apply \$5.000,000 to increase of 225. To further expand the use of the private sector, the request includes \$1,450,000 to contract to house approximately 250 short term sentenced aliens for 6 months in FY 1990.

In addition, 62 positions, 26 workyears and \$780,000 is requested to establish and expand Community Programs Offices to manage the significantly increased contract confinement program. Since 1982 the average daily population confined in contract facilities has strong-remasted by over 500 percent. All functions of the program have experienced dramatic workload increases. Combined with continued future emphasis on alternatives to incarceration, this increase is more than justified.

crease	Amount	\$450 3.680 4,130
ease/Dec	뎣	2 3 5
Incr	Perm. Pos.	846
ate	Amount	\$14,799 41,112 55,911
90 Estin	뎣	888
19	Perm. Pos.	253 289 542
	Amount	\$14,349 37.432 51,781
990 Base	Ä	241 263 504
-	Perm. -Pos.	223 479 479
at fon d	Amount	\$13,515 34,960 48,475
Appropri	¥	238 249 487
1989 /	Perm.	223 256 479
		Executive Direction and Control Administrative Services

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

Perm.	Appropriate Approp	1989 Appropriation Anticipated	Perm.	.990 Base		Perm.	90 Est 1	nate	Increase Perm.	31:	crease
	Ħ	SMOUNT POS. MI	8	털	MINORITY	102	Ħ	MINIMA	1	ы	AMOUNT
223	238 \$13,5	\$13,515 223	223	241	\$14,349 253	. 253	526	\$14,799 30	8	15	15 \$450

L<u>ong Range Goal</u>: To continue providing effective, comprehensive direction and leadership to the Federal Prison System (FPS) by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers and the executive staff.

Major Objectives:

Establish and enunciate policy.

Provide legal counsel on correctional issues.

Plan, develop, coordinate, and evaluate FPS programs and activities.

Increase efficiency and program effectiveness.

Investigate alleged employee misconduct.

Maintain capabilities to respond effectively to public and congressional inquiries.

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When necessary and appropriate, assist state correctional systems, the District of Columbia Department of Corrections, the U.S. Marshals Service, the Immigration and Maturalization Service and other jurisdictions experiencing difficulty by housing their offenders.

Have all Federal institutions as well as Central and Regional Offices accredited by the American Correctional Association.

Base Program Description: The overall administration of the Federal Prison System is located in the central office and five regional offices. The following describes the organization and functions of these offices. The following describes the organization and functions of these offices.

The Executive Staff which plays a major role in FPS management and operations, includes the Director, all Assistant Directors. Medical Director, Associate Commissioner for Federal Prison Industries, and all Regional Directors. The Executive Staff reviews all major issues and determines major policy for the FPS.

The General Counsel provides legal assistance and advice to the Federal Prison System including adjudication of grievances and appeals filed under the FPS's EEO program; review of FOIA requests; coordination of litigation; interpretation of laws and directives; review of policy and procedures for legal implications; and other legal assistance as necessary.

The Assistant Director for Correctional Programs is responsible for programs for the care, custody and correction of inmates including institution security, immate custody, case management, unit management, chaplaincy and psychology services, and community programs.

The Director of the Medical Services Division is responsible for establishing a systemwide health care program. The Medical Director is also responsible for the FPS's farm operations, food services, immate compensation programs, and safety and sanitation.

The Assistant Director for Administration is responsible for the Bureau's construction and mechanical services activities for new and existing facilities; program planning and evaluation; research; budget development; financial management; and information systems.

The Assistant Director for Program Review is responsible for assessing and presenting information on agency operations to managers at all levels, and final appeal on administrative remedy procedures.

The Assistant Director for Human Resource Management is responsible for personnel management and staff training and develupment.

The Associate Commissioner for Federal Prison Industries, Inc. (FPI) reports directly to the Director and to the Federal Prison Industries bard of Directors. The Associate Commissioner is responsible for FPI Industrial Operations and Corporate Management and educational and leisure programs.

The Office of Inspections is responsible for investigating violations of standards of professional conduct by employees and officers of the Federal Prison System.

ACCOMPLISTMENTS, and MOLKLOAD: Actual and estimated accomplishments for this program are presented in the following table:

	1987	1988	1989	1989
Polity Contembute Technol	3	2	18	62
Charles and the contract of th		; ;		2
codinge not ices	c	3	C	2
Operations Memoranda	320	191	325	338
Public Affairs Reports and Requests	5,000	5,150	5,200	5,408
Congressional Inquiries	5.250	5,350	2,500	5,720
Tort Claims.	2,250	2.400	2.400	2,496
FOIA/Privacy Act Cases	6,175	6,100	6,700	896'9
Administrative Remedy Cases	20,000	20,000	20,000	20,000
EEO Cases.	95	95	95	98
Investigations of Alleged Violation of Standards of Professional Conduct	278	415	430	450

The FPS continues to lend assistance to many state correctional systems experiencing difficulty by housing their offenders. There are approximately 609 state offenders in FPS facilities. In addition to state prisoners, there are approximately 2,200 from the District of useful many and approximately 200 territorial prisoners serving sentences for facilities. In Sasist the U.S. Marahais Service in housing unstelleded before in prisoners due to their inability to renew or negotiate confracts with state and local jails because of overcrowding. The FPS has established or expanded jail units for pre-trial detainers at several institutions including the Bastropy, Terminal Island, Hemphis, Hilan and Talladega Federal Correctional Institutions and the Netropolitan Correctional Centers at Chicago, Miam, New York, San Diego and Tucson. There are approximately 4,500 pre-sentenced detainmes in FPS facilities. In addition, at the request of the Immigration and Maturalization Service, the FPS also is housing approximately 1,850 Cuban relugees.

To date, 39 institutions have been accredited by the American Correctional Association for three year terms. The re-accreditation process, resumed in 1987.

During 1988, the Office of Research and Evaluation completed major reports on the staff wellness pilot project; parenting programs at two institutions and UNICOR's quality improvement process; and the effects of a rapid increase in a prison population at Federal Correctional Institution, Butner, NC. Perhaps the most important new task in 1988 has been to develop an integrated strategic information system which the adjust able on micro-computers to Bureau managers at all levels to help them determine trends in important "key indicators" and adjust their program emphases accordingly.

In addition, several research projects were started in 1988 and will continue in 1989. The Bureau's prison social climate instrument for staff was administered at many institutions to measure perceptions of personal safety and security, quality of life, personal well-being and atten work environment. Also, the office is exploring the use of two sophisticated methods for forecasting the Federal prison population. Work is continuing on the post-release employment project; its purpose is to evaluate job training programs in terms of their feeding no post-release employability. The effectiveness of the discipline hearing officer approach will continue to be evaluated, and a recidivism study of a sample of Federal immates released to the community in 1889 will be conducted. In another project, a system to classify sentenced tuban immates into appropriate levels of security and custody is being developed.

	Porm	90 Base		19	90 Est	nate	JUC.	ease/De	crease
Program Changes:	P05.	Š	Pos. WY Amount	P05.	봊	Pos. WY Amount	100	Ħ	Amount
Executive Direction and Control	223	241	241 \$14,349 253	253	526	256 \$14,799 30	99	15	\$450

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The request includes 30 positions, 15 workyears and \$450,000 to expand this program. The dramatic 92 percent growth in the Federal inmate population has required the FPS to expand virtually all programs and activities. The planning, development, coordination and evaluation of the expansion requires a modest increase in staff.

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	1961	3 Approp	riation										
		Inticipa	ted	1	90 Base		19	90 Est	nate	Incre	ase/Dec	Cease	
	Perm.			Perm.			Perm.	í		Perm.			
	Pos	보	Amount	1t Pos.	Si	Amount	<u>Pos</u>		MY Amount	P05.	보	Pos. MY Amount	
Administrative Services	526	249	249 \$34,960 256		263	\$37,432 289 279	588	279	\$41,112 33 16	33	16	\$3,680	

LORG. Range. Goal: Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

Major Objectives:

increase the rate of hiring minorities and women to ensure their representation in the workforce.

increase the number of minorities and women promoted to management and supervisory positions.

Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval.

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.

Provide current and accurate financial management information.

Place more emphasis on cost center management (primarily through training) to ensure greater program manager involvement in the management of funds.

Conduct financial management reviews at all institutions.

Continue to enhance SENTRY applications.

Base Program Description: The central and five regional offices are responsible for the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management.

Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increased hiring of minorities and women is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EED specialists have been placed in each region in order to help carry out this program.

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Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, the process. Merit System Protection Board and arbitration cases are reviewed and analysed to provide more thorough insight into labor/management policy problems.

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financial Management provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure concollance with statutory and regulatory requirements and to meet the analysis, evaluation and modification of systems to ensure concollance with statutory and regulatory requirements and to meet the internal control procedures; and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the FPS's operations. Financial Management is also responsible for the development of the FPS's financial operating plans and the confinistration of funds appropriated to the FPS. Financial andits are conducted to ensure field compilance with policies and regulations. These audits are scheduled to accomplish a financial review of each field location every 18 months.

The Property Management and Procurement functions are also the responsibility of Financial Management. This includes procurement responsibility for all services and supplies; the administration of regulations for all procurement and personal property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating all phases of property management and procurement.

In addition, Financial Management is responsible for special immate services (including commissary, immate trust fund, and laundry). Commissary objectations provide apportunities for immates to purchase items above the necessities of life. Immate trust fund operations account for all monies on deposit for each immate. Laundry operations provide all immates clean clothing, footwear and linens. Other immate services include provisions for tolletries and writing supplies.

The FPS's batch immate information system provides a variety of demographic information on the immate population, but is of limited use because the information is not timely. For the past few years the FPS has been involved in the implementation of the SENIRY system, an on line system which performs up-to-the minute locator status information on all individuals under the custody of the Attorney General. It notices population counts and refined immate demographic statistics; interagency and intra-institution population movement, schedules, notices, and statistics; and it will automatically compute and update sentence computations. It will also provide base program data for other information modules under development or to be developed.

ACCOMPISSMENTS and Morkload: Actual and estimated accomplishments for the Administrative Services program are presented in the following table:

Estimates	1987 1988 1989	30 30 30	120 130 140	end	-	31% 32%	34% 33%	204
		Personnel Surveys	EEO Recruitment Activities	Representation of Women in the FPS Workforce year end	Representation of Minorities in the FPS Workforce year end	New Hires - Women	New Hires - Minorities	Promotion - Women

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Estimates	1988 1989 1990		8	98	300 356 473
	387	787		8	248 3
	1	ion - Minorities	stion Cases	lal Management Reviews	Average Daily Transactions (in thousands)

ig.

In 1988, Memorex Telex was awarded a contract to replace the SENIRY equipment in all 80P facilities nationwide. Installation of the new hardware will be completed in the spring of 1989 showing a growth to more than 2,800 terminals. The Office of Information Systems began the development of two new SENIRY modules for Medical Services and Inmate Incident reporting.

In addition, several enhancements were made to the SENIRY system during 1988. These include the implementation of a State Billing System to track the billing status of state. D.C., and territorial prisoners housed by the Bureau; implementation of a contract location profile to monitor contract facilities, and implementation of Comprehensive Crime Control Act (CCCA) enhancements. Other accomplishments include conversion of batch data transmission from Syctom machines to personal computers and the testing of Very Small Aperature Terminal (VSAT) communications technology to replace land lines.

FPS is currently developing an on-line Integrated Financial Management System. The system will replace the current batch system and will include accounting, procurement, and the Trust Fund operations. A major pilot test of the new on-line Financial Management System is underway in parallel with the existing batch system. The test is expected to last two years.

FPS negotiated a new master contract between BOP and AFGE. The Correctional Officer Register continues to be operated by BOP on delegation of authority from the Office of Personnel Management. Training was conducted for all field personnel offices in the recently developed workforce utilization program which utilizes the management of both workpears and positions.

	199	O Base		61	90 Est	mate	Incre	ase/Dec	crease
Program Changes:	Pos	봊	Amount	Pos.	봊	Pos. MY Amount Pos. MY Amount Pos. MY Amount	Pos	덫	Amount
Administrative Services	526	563	\$37,432	588	279	256 263 \$37,432 289 279 \$41,112 33 16 \$3,680	33	16	\$3,680
<u>Program Changes:</u> As a result of the activation of new facilities and the impact of the U.S. Sentencing Commission's Guidelines, the Federas Person System establishmes that the average daily volume of SENIRY transactions will increase by 117,000 (a 33 percent increase) from set on to 223 one for the control of the cont	les and the	trans	t of the sections wi	U.S. Sent	tencing ase by	Commissio 117,000 (a	n's Guide 33 perce	lines, nt incr	the rease)

Also, included are 33 positions, 16 workyears and \$480,000 to keep pace with administrative services associated with the dramatic growth in immate population and the expansion of the Federal Prison System over the past several years. In particular, support for the ADP program will help the FPS accomplish its objectives more efficiently and effectively. to 473,000. For 1990, an increase of \$3.2 million is requested for reimbursement to the Department of Justice.

Salacies_and_Expenses sustification_of_Multi-Activity Progrom_Increases (Nollars in thousands) Federal Prison System

						ACL	lyat lon g	New	Activation of New Facilities				1	3	119
	Perm.	KIVE	3 16	Perm	2	Surplus racilitates.	Perm.	Lan. La		Perm.	pastrop temp		Perm.	5	
Estimates by Program:	Pos	ቜ	Amount	P05.	5	1	P05.	Š	Amount	Pos.	¥	Amount	Pos.	덫	Amount
Inmate care, custody and				-:											
Imate care	3	6	\$3,110	45	45	\$6,785	9	٣	\$681	9	•	189\$	-	:	\$616
Institution security	106	92	1,452	8	88	3,995	6	~	232	6	m	232	~	~	213
Unit management	8 ×	~ 4	1,385	ب در	33	3,075	יי יי	7			7		v -	~	303
Subtotal	8	88	6,518	182	182	14,763	22	8	1,331	23	-	1,331	14	4	1,216
Institution administration and maintenance:															•
Institution administration	14	2	3,715	4	6	2,923	•	2	465	φ	2	465	-	:	562
Staff training	- 2	:"	162	:=	:=	164	:-	:	138 88	:-	: :	139	: :	: :	139
Subtotal	29	15	5,521	63	3	7,835	1	2	186	-	2	947	-	:	809
Contract confinement	÷	:	:	÷	:	፥	:	:	÷	:	:	÷	:	:	:
Program direction: Executive direction and control	;	;	:	:	:	;	;	;	:	;	:	. ;	:	;	;
Administrative services.		: {		:	:	: }	:	:		1	: {	: 4	:		: 1
Subtotal	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Total	254	63	63 12,039	245	245	245 22,598	S.	92	2,318	39	2	2,278	15	4	2,025

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Justification of Multi-Activity Program Increases (Son't) (Dollars in thousands)

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	Sade	Candetone Cam	ĺ	ation of	New F.	Activation of New Facilities				;	,	
Estimates by Program:	Perm.	3	- Automotive Automotiv	Perm,	J 2	100	E E	5 5	Perm.	Population Increase	Contract Confinement	Mariel Cuban Disturbance
	1	d		1		SMOUNT	9	3	AMOUNT	Amount	Amount	Amount
inmate care, custody and programs:												
Irmate care	9	m	\$681	~	:	\$429				613 430		
Institution security	6	n	232	^	7	164	<u>-</u>	: "	4 112	000	:	::0
Unit management	io c	~	303	2	-	192	:	· :	:	593	: :	\$10,983
Subtotal	1	1	si i	-	4	48	111	1	1	1,433		: :
•••••	3	•	1,331	=	m	833	15	2	332	15,413	:	10,983
Institution administration												•
and maintenance: fortitution												
Administration	4	•	,,,	•		į						
Staff training	•	7	Ç .	~	-	248	:	:	:	889	:	:
Institution maintenance	:-	:	200	:-	:	82	:	:	:	:	:	: :
Subtotal	-	ŀ	200	+	-	ğ	444	1	111	8.434	444	
	•	4	200	7	-	6.38	:	:	:	9,122	:	:
Contract confinement	:	:	:	;	:	:	:	:	÷	:	\$10.642	;
Program direction:												
and control	3	;									,	
Administrative services.			: :	: :	: :	: :	:	:	:	:	:	፧
Subtotal	:	:	:	፧	:	:	:	:	:			
Total	s	2	2 318	1	-	1.67		ŀ				
	}	:		3	•		CI	n	335	24,535	10,642	10,983

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Progra	ousand
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	Data Center	Vocat	tonal fr	Vocational Training Expenses	Irmate Performance Pay	Impro	ve Sta	Improve Staffing at Existing Institutions	Prog	fotal	reases
Estimates by Program:	Amount	Pe 3	¥	Amount	Amount	Pera Pos	文	Amount	Perm.	Perm. Pos. MY Amo	Amount
Inmate care, custody and programs:											
Inmate care	:	:	:	:	:	212	8	\$3,180	306	166	\$28,641
Institution security	:	:	:	:	:	607	304	9,120	867	446	27,864
Inmate programs	•••		:6	\$8.001	58,744	8 7 8	8 2	2,700	265	<u> </u>	17,901
Subtotal	:	16	6	8,001	8,744	1,073	23	16,110	1,651	ğ	86,906
Institution administration and maintenance: Institution			•					,			
administration	:	:	.:	:	:	162	8	2,430	274	147	11,694
fortitudes estates	:	:	:	:	:	₽;	2	009	₹	2	1,620
C. T. T. T. T. T. T. T. T. T. T. T. T. T.	444	444	4	111	444	8	3	1650	20	74	18,212
Subtotal	:	:	:	:	:	312	35	4,680	465	241	31,526
Contract confinement	:	:	:	:	:	25	5 8	780	25	92	11,422
Program direction: Executive direction											
Administrative services.	\$3.200	: :	: :	: ;	::	85	52 5	450	85	21.5	450
Subtotal	3,200	:	:	:		3	=	830	3	F	4,130
Total	3,200	16	16	8,001	8,744	1,500 750	750	22,500	2,231	2,231 1,198	133,984

Eederal Prison System
Salaries, and Expenses
Einancial Analysis - Program Changes
(Dollars in thousands)

各种者等 正是在此者 超一次通過於 打下了 必由於

			Instit	Institution	Unit	1	Irmate	te	. Institution	ut ion	Staff	11
Item		Inmate Care	٦	Security	Nama Por	Management	Programs	Amount	Adminis	Administration	=	Iraining
Grades		ı	-		<u> </u>	T. A. W.		THE PARTY OF		ALL COLOR		THE OWNER OF THE OWNER OWNER OF THE OWNER OWN
GH-15	~	\$114	:	:	:	:	:	:	7	\$57	:	:
GH-14.	:	:	:	:	:	:	:	:	12	583	:	: :
65-13	_	4	:	:	:	:	9	\$247	:	:	:	:
65-12	2	69	_	\$ 32	18	\$622	m	104	4	38	: :	: :
65-11····	34	186	S	144	13	248	67	1,933	4	115	: -	\$23
65-10	_	92	:	:	:	:	:	:	:	::	· :	: :
65-09	65	1,550	187	4,459	8	2,051	82	2,027	27	1.359	12	286
62-08	35	69	83	1,878	81	389	^	151	91	345	:	:
65-0/	£:	1,657	419	8,168	72	1.404	9	585	==	2,164	88	546
69-00	Q	702	99	2,947	36	632	15	263	46	807	:	:
69-69-	::	::	:	:	91	252	:	:	:	:	:	:
מושו מתהם	4	1.389	1	1	1	1	1	***	ខ	726	1	1
Total Positions and annual Rate	306	7,220	867	17.631	265	5.898	213	5.310	274	6 294	-	198
Lapse (-)	140)	(2,304)	(421)	(7,142)	(124)	(2.385)	99	(1,292)	(27)	(5,500)	Ê	95
Workyears and compensation	166	4,316	446	10,489	141	3,513	147	4.018	147	1 794	×	203
Other personnel compensation	2	611	&	377	_	25	:	92	_	99	: :	; :
special personal services pymits	1	1	1	***	1	8-744	77	1	1	4	1	1
Total workyears and compensation.	168	4,435	454	10.866	142	12.309	147	4.044	148	1.860	,	203
Personnel benefits		1,029		2,487	!	793	:	828	2	2.469	3	9 2
Travel and trans of persons		(213		178		136		502		162
65A rent		20		:		~		8		1,024		:
Rental payments to others.		:		:		:		97		:		:
Comm. utilities and misc		. 59		: :		:		203		:		:
Printing and reproduction		:		: :		: :		Š		:		:
Other services		4,531		629		523		2,309		1.502		: 2
Supplies and materials		9,591		5,457		35		3.040		987		? =
Grant cube dates and conta		8,506		8,182		4,152		1,453		1,643		: 9
or arics, substitutes, and confr		1		444		181		1		-		1
Total Workyears and Obligations,	168	168 28.641	454	454 27 864		13 001	5					;
			-	1		1,17	7	12.300	867	11.694	=	. 67

Financial Analysis - Program Changes, Cont.d

	insti	nstitution	Cont	Contract	Executive Dir.	ve Dir.	Admini	Administrative	-	Total
#1.	Pos.	Pos. Amount	Pos.	Pos. Amount	Pos. Amou	Amount	Pos	os. Amount	Pos	Amount
Grades									_	4171
	:	:	:	:	:	:	:	:		283
(M-14	:	:	:	:	:	:	:	:	1.	88
65-13	:	::	:	:	:	:	:	:	` ¢	36
6S-1Z	-	\$35	:	:	:	:	:	:	9	36
65-11	:	:	:	:	:	:	:	:	3-	200
es-10	:	•	::	:;	::	::	::	::	•	3 5
6S-09	E) :	787	12	\$201	81	\$429	2	3310	?:	13,739
eS-08	=	237	:	:	:	:	:	•	7	1,091
6S-07	4	828	=	604	12	234	2	330	825	16,610
es-06	22	386	:	:	:	:	:	:	327	5,737
65-05	:	:	:	:	•	:	:	:	91	252
Paperocal	: 2	- 23:	:	:	:		: :	: :	2	3.346
	7	4	1	1	1	1	1	1	1	
Total Positions and annual rate	85	3,534	25	1,105	8	99	33	700	2,231	49,216
Lapse (-)	9	93	9	(455)	Ê	(88)	Ê			(211-21)
Morkvears and compensation	74	2.035	56	650	15	375	91	400	1,198	30,097
Other personnel compensation	:	12	:	:	:	:	:	:	77	652
Special personal services pymnts	1	1	1	1	1	444	1	1	1	8.744
			•							
Total workyears and compensation	74	2,047	97	650	12	375	9	4 00	1,210	39,493
Personnel benefits		450		2		. 75		ස		8,443
Travel and trans of persons		:		:		:		:		1,570
Transportation of things		:		:		:		:		1,149
6SA rent		:		:		:		:		€.
Rental payments to others		•		:		:		:		• ;
Comm, utilities and misc		8,531		:		:		:		9,102
Printing and reproduction		:		:		:				73
Other services		437		10,642		:		3,200		24,042
Supplies and materials	٠	2,975		:		:		:		22,127
Equipment		3,772		:		:		:		\$11,12
Grants, subsidies, and contr	1	4		1		1	-	***		1
Total Workvears and Obligations.										
1001	74	18.212	*	26 11 422	ž	450	2	3,680	1.210	1.210 133.984
The state of the s										

Ecderal Prison System Priority Rankings 1/

Base Program		Personal Merica	
Program	Ranking	Program Ran	Rank ing
Inmate Care	-	Irmate Care	_
Institution Security	2	Institution Security	2
Institution Administration	٣	New Construction	
Institution Maintenance	4	Modernization and Repair of Existing Facilities	4
Executive Direction	ĸ	Institution Administration	v
New Construction	9	Institution Maintenance	9
Modernization and Repair of Existing Facilities	,	Contract Confinement	. ~
Contract Confinement	80	Unit Management	0 0
Federal Prison Industries, Inc.	6	Inmate Programs	
Unit Management	01	Executive Direction	
Irmate Programs	11	Staff Training	
Administrative Services	21	Federal Prison Industries	. ~
Staff Training	÷	Commissary	
National Institute of Corrections	. 91		1
Commissary	15		

1/ All programs are ranked including Salaries and expenses programs, Buildings and Facilities programs, the National Institute of Corrections, Federal Prison Industries and the Commissary.

Eederal Prison System
Salaries, and Enginses
Retail of Permanent Positions by Category
Fiscal Years 1988, 1990

			1990	06
/ Category	. 1988 Authorized	1989 Authorized	Program Increases	Total
Attorneys (905).	01	01		92
Paralegal Specialist (950).	. 65	8	٠	8
Other Legal and Kindred (900-998)	560	416	8	515
Correctional Institution Administration (006)	532	715	88	803
Corrections Officers (007)	5,712	7,297	932	8,229
Other Misc. Occupations (001-099)	151	213	35	245
Soc. Science, Econ. and Kindred (100-199)	737	929	133	1,092
Personnel Management (200-299)	227	306	22	328
General Admin Clerical and Office Services (300-399)	752	986	35	886
Biological Science (400-499)	- ;	- :	:	-:
Accounting and Budget (500-599)	360	460	88	518
Medical, Dental & Public Health (600-799)	933	1,194	921	1,320
Engineering and Architecture Group (800-899)	25	22	:	22
Information and Arts Group (1000-1099)	7	2		2
Business and Industry Group (1100-1199)	8	103	=	114
Mathematics and Statistics Group (1500-1599)	-	-		
Equipment, Facilities and Service Group (1600-1699)	516	300	25	320
Education Group (1410-1411; 1700-1799)	338	434	561	695
Supply Group (2000-2099)	Z,	73	·	78
Ungraded (culinary, farm, mechanical & construction)	1.310	1,758	316	2,074
Total	11,760	15,240	2,231	17,471
Vachington	3.5	335		3.6
U.S. Field	11.425	14.905	2,231	17,136
7.				
	11,760	15,240	2,231	17,471
	1111111111111111111111		The second second second second	

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Eederal Prison System
Salaries and expenses

			1988			1989			-	1990	
Method of Acquisition and Type of Vehicle	1987 End-of- Year Inventory	Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of- Year	Acoutred	Average	Disposed	End-of- Year
Direct Purchase:											
Large sedan	:0	:	:	::	::	:	::	::	::	:	:
Midsize sedan		: •	9 4	35	7 4	0 4	3.2	3.5	\$15,500	→ •	86
Compact sedan	6	2	4	, 6	· :	' ;	30	;	13,400	•	20
Subcompact sedan	:	:	:	:	:	: :	` :	::	: :	: :	`:
Station wadon		:2	:"	:8	::	::	:3	::	:::	:	::
Van	53	2	28		25	7,	\$ 5	12	18,700	~	85
Ambulance	ړۍ	:	:	۰	:	:	٠	~	25,000	:	. 00
Special purpose.	ę	•	-	8	S	:	43	4	220,000	:	47
4 wheel drive	119	-	-	119	12	_	124	78	17.600	•	142
Tricks	:	:	:	:	:	:	:	:	:	· :	: :
Pickup	480	- 82	88	527	88	- 63	545	88	12.100	ş	57.1
Subsotal	132	2	8	126	9	9	126	9	22,000		135
purchased	986	140	88	1,038	159	109	1,088	159	21,073	99	1,192
Leased: Large sedan	vo i	:	:	2	01	:	15	50			1 5
Other	r.	:^	: :	رد د	2	:	2.	ı.	-	: :	28'
Subtotal leased	10	1	:	=	92	1	JE .	e.		:	44
No Cost Vehicles	:	92	:	92	:	:	92	:	:]:	92
Total Vehicles	966	173	88	1,081	179	109	1,151	169	21,073	55	i,265

<pre>Lederal Prison System Salaries and Expenses Summary of Change (Dollars in thousands)</pre>

Work-

Perm. Pos.

Adjustments to base: Savings resulting from management initiatives		
Mandatory Increases: Annualization of 1989 program increases.	-208	108.1- 801
1990 full year pay increase	2,006	6 98,690
Special pay rates.	:	
Within-grade increases	:	
Health benefits.	:	
Federal Employees Compensation Art (FFCA)	:	. 4,743
6SA rent	:	
6SA recurring reliminable service	:	
Federal Telecomunications System (FTS)	:	
Telephone service.	:	
GPO printing costs.	:	. 166
Employee data and payroll	:	
General pricing level adjustment	:	
Full-field investigations.	:	8
Security reinvestigations	:	
Physicians company it a leasure	:	. 560
Back Day akands.	:	
Total mandatory increases		
****	2,006	142,314
Decreases: Non-recurring costs. Annualization of Inspector General transfer Total, decreases.	: 13	-73,783
		' -

Summary of Change (Con't)

A Comment of the Comm

Amount	\$24,535 45,379 10,642 22,300 3,200 10,983 8,001 8,44	1,152,554
Work-	351 750 750 750	16.019
Perm. Pos.	634	17,471
	Program Changes: Pobulation increase. Pobulation of new facilities Activation of new facilities Expand contract confinement Improve staffing system/de Justice Data Center Charges. At insta/Daddele equipment and inventory Vocational training program. Immate performance pay. Total, program changes.	1990 Estimate.

49

Eederal Prison System Salaries and Expenses Justification of Adjustments to Base (Dollars in thousands)

Work-

Perm. Pos.

Sav	Savings Resulting from Management Initiatives	-208	-208 -\$1,801
514.0.2	I <u>ransfers to the Office of the Inspector General</u> A fransfer of 9 workyears, and \$588,000 to the Office of Inspector General (OIG) appropriation is mandated by P.L. 100-504 to establish the audit and Investigations function in the Department's OIG. The resources will be transferred from Executive Direction and Control.	6	-586
Man	activ	2,006	98,690
	Annual salary rate of the 3,408 positions. \$97,443 tan tan tan 1,408 positions. 53,641 tan tan tan tan tan tan tan tan tan tan		
	43,762 18,339 72,864 134,965		
2	1382 Full-wear pay increase impact on 1399. This request provides for the full-year pay increase of 4.1 percent as contained in the U.S. Treasury's Conference Report on the 1989 appropriation, deneral Provisions, Title VI, H.R. 4775, for crivilian and military personnel to be effective January II, 1989. The Oppartment Will be required to absorb the total pay raise in 1989. The requested increase of \$16,616,000 is the amount required for full year funding in 1990.	:	16,616
ค์	Special Salary Rates. This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Hanagement (OPM) has approved these retails for postilons where retention and recruitment of qualified applicants is a problem. The Department's request represents coverage of 30 special rates. This request also includes a 25 percent increase for all posttions currently not covered in the special salary rates for the countles of Suffolk and Nausau and New York City, New York. This proposal was requested by the	:	3,658

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		45	•
Justification of Adjustments to Base			
Pec 20	Perm. Work- Pos. Years	Amount	
Within-grade increases (MGI). This request provides for the expected increases. This increase is a preliminary estimate for such costs. This increase is based on a dynamic model of actual Department requirements.	:	\$3,599	
HEALLI, BERELIES. The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of the Federal Employees Health Benefits of the total rate formencing in 1975. Effective for the first pay period after January 1, 1989, the actual contribution to health insurance increased 31 percent. In addition, OPM has indicated that it anticipates an increase of at least 15 percent by 1990 due to remulm increases. He requested increase of 34,43,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the minimum 15 percent increase predicted by OPM for 1989. The actual average increase is 28 percent.	:	4,743	
Edderal Employees: Compensation Act (FECA) - Workers Compensation This increase reflects the billing provided by the Department of Labor for the actual costs in 1988 of employees: accident compensation. The 1990 amount will be \$7,874,000 or \$1,224,000 over the 1989 base.	:	1,224	
6 <u>5A rent</u> 5. A will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. A mandatory increase of \$2,141,000 is required to meet our commitment to 65A	; :	2,141	1269
65A recurcing reimbursable services. Figure 1861 be absents as remade to 65A for heating, ventilation and air conditioning provided in excess of normal working hours and for guard services. An estimated 1.1 percent increase of \$3,000 in fees for these services in 1990 over the 1989 charges of \$272,727 is required.		e	
In 1986, the General Services Administration authorized a.16 percent increase in Egderal In 1986, the General Services Administration authorized a.16 percent increase, in Egderal Intercingual Control of the Control of the Control of the Control of the Control of the Control of the Control of this request includes a twenty percent increase in FTS costs. This increase does not reflect Interact of SRI3 includes a twenty percent increase in FTS costs. This increase does not reflect increase of SRI3	:	803	

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8,592

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Eull-field investigations.
The Office of Personel Hanagement (OPM) has notified users of an average 11.5 percent increase in the standard rate charged for various types of full-field investigations. An increase of \$341,000 will be required in 1990.

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The Department is replacing an obsolete, ineffective, and expensive Centrex telephone system with a state-of-the-art, high performance, and cost effective, and expensive Centrex telephone system with a state-of-the-art, high performance, and cost effective digital telephone system, in the Mashington area. Costs for leased tentrex lines and their associated tariff rates have steadily increased since 1979. The current system provides the Department with intit control over telecomanications costs. After five years, the Department will own this modern telephone system and it will significantly improve the Department's communication capabilities and will provide the management tools needed to eliminate and minimize potential waste and abuse of the telephone system. Moever, it will also require a substantial increase in the per-line rate to cover higher operating expenses for the first five years. Beyond five years, only maintenance costs will be required. It is estimated that the line rate will be increased form \$24.28 per line per month to \$45.63 per month in 1990. The cost to this organization is \$166,000.	11. <u>920 printing costs.</u> The Government Printing Office (GPO) is currently projecting a four percent increase over the 1989 printing costs of \$300,000. An additional \$12,000 will be required in 1990.	12. Employee data and payroll services are provided to all Departmental organizations encept Centralized employee data and payroll services are provided to all Departmental organizations encept the Federal Bureau of Investigation. Charges for these services, which include information systems, maintenance and payroll accounting, are based on the number of employee records maintained. The rate of \$117.58 per record hin 1988 will be raised to \$188.25 per record for 1990. The change is based on anticipated mandatory cost increases of \$124,000 will be required in 1990.	13. General Pricing Level Adjustments. This request applies OMB pricing guidance as of June 23, 1988 to selected expense categories. The increased costs identified result from applying a factor of 2.1 percent against hose subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990
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Just 11 1cation of Adjustments, to Base (Con't)

Amount \$166

Perm. Pos :

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•	₹	\$500 \$	160	1,182	142,314		-13,783	-13.783	66.144
	years Mork-	:	•	:	2,006				1,789
1	Pos. Perm.	:	•:	:	:		1	1	
Justification of Adjustments to Base (Con't)		15. <u>Security Reinvestigations</u> The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases, and the many situations where mentions under of years, were derimmental to the number of years, were discovered to be involved in various activities that were derimmental to the nation's security. The Office of Personnel Management, Federal Personnel Hanual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every five years. By 1990, the Department will require 7,109 employees to be reinvestigated in each of the next five years to address the existing back tog. Requested resources will provide for only 2,300 cases per year. An increase of \$250,000 will be required in 1990.	16. Physicians Comparability Allowance. This request provides resources for an estimated 18 physicians, who through length of service, will this request provides resources for an estimated 18 physicians, who through 16,000, above the exceed two years of creditable service and qualify for an increase donus of \$6,000, above the \$14,000 they currently receive, for a mandatory increase of \$100,000. Furthermore, approximately 26 physicians who are not currently board certified, will become board certified during the year and qualify for an additional \$2,000 spiece, for a total of \$52,000 for board certification. The total mandatory increase then is the aggregate of the \$160,000.	17. Back Pay Amards (Lamehart vs Morner - U.S. Court of Apocals). This U.S. Court of Appeals decision provides revised overtime pay entitlements for certain groups of employees under the fair Labor Standards Act (ELSA). OPM determined that the following three additions, groups of employees that receive compensation for overtime work on a customary and regular basis be beliefulded: (I) non-firefighters in receipt of premium pay for standby duty; (2) those eligible for administratively uncontrollable overtime payments; (3) those receiving overtime pay for regularly scheduled overtime.	Total mandatory increases	Decreases (Automatic non-policy):	 Mon-recurring costs. This provides for a reduction of the one-time costs (Change of Duty Station, inventory and equipment) of activating the new facilities approved in 1989. 	Total decreases	fotal, adjustments to base
		2	•	• .		ě.	•		

federal Prison System	Salaries and Expenses	quirpments by Grade and Object. Class	Deflare in their ands!
Cederal Pris	Salaries and	mency of Requirements by	(Dollars to

	TO ALBERTA OF REGULAR	Sureacy of Requirements by Grade, and Object, Class Sureacy of Requirements by Grade, and Object, Class (Dollars in thousands)	od Object Class	2			
Grades and salary canges	Positions & Workyrears Am	al 1989 Estimate Positions & Morkytels Am	Linete A Amount	1990 Estimate Positions & Workyears Amo	Amount	Increase/Decrease Positions & Workyears Amoun	Amount
ES-6 \$80,700.	-	-		-		:	
ES 4 \$76,400	= -	= -		21		:	
[5-2 \$71.800	n w	~ 		• •		: :	
fS-1 \$68,700.	-			-		: :	
GS/GM-15 \$57,158-74,303	121	2		142		~ ;	
65/04-14 548,592-63,172	272	<u>z</u>		50		21	
(5-12-534-560-44-95)		776 776				۶,	
65-11 \$28,852-37,5:0.	1,602	2,199		2,334		135	
65-10 \$26,261-34,136	19	5		26		-	
65-09 \$23,846-31,001	1,274	1.745		2,004		652	
65-09 \$21,590-28,070	007.	1,785		2,311		925	
65-07 \$19,493-25,343	3.81.6 202			5.61/		121	
(S-05 \$15,738-20,463	383	442		28		13c 91	
65-04 \$14,067-18,288	2	*≈		72		:	
65-03 \$12,531-16,293	51	2		15		:	
Ungraded positions	-		333	_	335 507	248	
Pay above stated angual cates	11, 000 \$ 001, 11	7.768	\$410.703	•	3493,733	162'2	\$10.930
Lapses	-550 -15	-15,435 -2,461	-64,361	-1,705	-48,763	756	15,598
Savings due to lower pay scales part of year	7					44	4.279
Other that comment	1/8,162 015,11	72.	~	15.766	444,992	2,987	%,867
Other personnel compensation		38.620	25.415	240	27.836	:2	2.42
Special personnel services payments					8.744		8.744
lotal, workyears and personnel compensation.	11,670 336,76	521'61 13'152	375,436	2(1'91	483,572	3,007	108,136
Average 65/64 Salary	92\$)	(\$71,364)	(\$27,347)		\$27,873)		
Average 65/GM Srade		(8.6)	(8.6)		(8.6)		

Surmory of Regulcement, by Grade and Object Class (Con't)

	1988 A	ctual	1989 F.	o temi t	0001			
Object Class	Mark years A	Amount	Workyears Original	Onount	Vockyears Amo	Amount	Mockyears Amoun	Amount
Z		:						
11.3 Other than full-time permanent:		1,210 \$291,871	12,779	12,779 \$348,125	15,766	15,766 \$444,992	2,98/	\$96,867
Temporary Employment	74	3,699	74	1,119	47	1,200	:	16
11.5 Other personnel compensation:	25	2,571	52	111	25	800	:	23
Overtime Other compensation 11.8 Special personnel compensation		23,172 15,448	132 88	15,249 10,166	<u> 3</u> %	16,702	21 8	1,453
Total	11,670	336,761	13,125	375,436	16,132	483,572	3,007	108.136
Other objects							•	
12 Personnel benefits		85,540		118,991		152,941		33,950
21 Travel and transportation of parcon.		386		2		2		
_		4,704		22,650		18,418		-4,232
23.1 GSA rent		3,079		3.181		3,336		-688
		481		4.900		4,904		3
		38,77		53,963		72,808		18,845
-		165,821		169,191		185.192		82
		72,536		111,733		136,434		24.701
_		24,520		75,482		75,506		24
41 Grants, subsidies, and contributions		1,00		1,465		1.646		:=
Ξ.		164		£ ;		61		:
lotal direct obligations		749,400		945,840	-	1,142,997		197.157

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Surmary of Requirements by Grade and Object Class (Con't) (Dollars in thousands)

	TB I ION	(SOLIELS IN CHOUSENDS)		
Object Class	Positions & Amount	1989 Estimate Positions & Amount	1990 Estimate Positions & Amount	Increase/Decrease Positions &
ALLOCATION TO DEPARTMENT OF MEALTH AND HUMAN SERVICES				MULATERIA CHICALOR
11.1 Personnel compensation:	\$6.026	\$6,271	\$6.398	2132
Total workyears and personnel compensation	6,026	. 6,271	6.398	121
Other objects:				•
12.1 Personnel benefits: Military. 21 Travel and transportation of persons. 22 Transportation of things. 25 Other services.	2,461 164 235 106	2,562 170 244 110	2,614 177 2,54 2,14	52 7
HHS Allocation	8,992	9,357	9.557	000
Total requirements, Salaries and Expenses	11,670 758,392	13,125 - 955,197	16.132 1.152.554	3 007 (6)
Relation of obligations to outlays: Obligated balance, ster-foryear Obligated balance, end-of-year. Adjustments in expired accounts.	83,513 -93,272 -1,782	93,272 -75,491	75, 491 -82, 984	-17,781
Outlays	746.851	972.978	1,145,061	172.083



Faderal Prison System Mational Institute of Corrections Summery Statement

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Piecal Year 1990

Por 1990, the National Institute of Corrections (NIC) is requesting 49 positions, 49 workyaars and \$10,112,000. This resource level represents an increase of eight positions, eight workyears and \$522,000 over the 1989 appropriation enacted.

The mission of the NIC is to work with State and local governments to assist them in developing and training their corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections. Given that the nation's prisons and jails are critically overcrowed, the functions which NIC performs become even more ordical.

Recognising the problem with which the Federal criminal justice system is presently confronted, the Attorney General has set forth as a priority to increase prison space to house the growing number of Federal offenders. In direct support of this priority, NIC, through its training and technical assistance activities, lassens the likelihood that state and local prison populations will "spill over" into the Federal Prison System.

Mithout NIC's continuing assistance and leadership in providing relevant training and responsive intervention, the defliciencies that plague state and local correctional agencies (i.e., insufficient training of staff) will be executated during a period when prisons and jails are experiencing unprecedented growth, crowding and diminishing resources with no relief in sight for the foreseeable future.

The services performed by NIC are extensive but have a comparatively low cost to the Federal Government. In fact, a large part of the resources made available to NIC are used for the delivery of Services to the corrections community. This is possible because NIC has implemented several cost saving initiatives. For example, NIC contracts with a private vendor to operate its clearinghouse function and parform certain accounting activities, eners into agreements with state and local governments through the Intergovernmental Personnal Act (IRA) and uses consultants to deliver technical assistance and provide training. The use of the INA and consultants is program requirements discussed the attendant long-term fiscal consultants.

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Federal Prison System

Justification of Proposed Changes in Appropriation Language National Institute of Corrections

The 1990 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, [\$9,590,000] ALO REBAIN SYSIEDIS UNLIL EXPENDED.

(18 U.S.C. 4351-4353, Department of Justice Appropriations Act. 1989, additional authorising legislation to be proposed.)

Explanation of Changes

No substantive changes proposed.

Netical Priory Sector

Netical Institute of Orrection

Salation and Parameter Salamics of Rogittements

(College in thousand)

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	•			1989 Appropriation Articipated Pero,	2	7	
				7		510,373	事: =
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		:		128	2	=	F : F
				B	Acous	8	= = =
				2	펄	41	휣:: :
				1998 as Bracked Pers.	žį	7	
Adjustments to base:	1999 as enecked,	Harbitory increases	1990 bases		But impose by butpet activity	National Enstitute of Corrections	ECN Supposent: Full-time personent Other then personent. Total

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Federal Prison System

National Institute of Corrections

Justification of Program and Performance

Long Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies From the quidance and conclinations serve policies From the quidance and conclinations serve national center to which state and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional programs, policies, planning standards, and practices.

:

Major Objectives

To assist in the improvement of jail operations nationwide so they may become more humane, fair, efficient, effective, and comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources. To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

Base Program Description:
In an effort to increase coordination, reduce duplication, and upgrade State and local corrections, the National
In all offort to increase coordination, reduce duplication, including developing manorands of understanding between
Institute of Corrections has initiated several activities, including developing manorands of understanding between
Pederal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting
frequent meetings with representatives from the entire appetrix of correctional practice. An annual plan is
approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical
assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

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1990	350 58 640 12,650 10,000	and local to 640 bia and rrections. from State d similar to over
1989	350 58 640 1,658 12,000	tute responded trict of Colum working in co staff trainer uently provide
1988	350 58 640 1,629 12,000 10,000	saion. The Institute of the saion. The Institute of states, the District of core 1,000 on of cover 1,000 is trainers subseque Information Cen
	Application papers processed Grants and contracts awarded Technical assistance provided Training participants Training requests Information requests	During fiscal year 1988, the National Institute of Corrections awarded 49 grants and contracts to State and local correctional agencies, organizations and individuals to carry out its mission. The Institute responded to 640 correctional agencies in all 50 states, the District of Columbia and Puerto Rico. Training was provided to 1,829 managers, administrators, and staff trainers working in corrections. The provision of training to 1,829 participants includes the participation of over 1,000 staff trainers from State and local agencies in NIC-sponsored programs at their agency site. These trainers subsequency provided stailar trainers from State and local agencies in NIC-sponsored programs at their agency site. These trainers subsequency provided stailar frainers subsequency of the formation center responded to over 1,000 of the formation of the provided stailar of the formation of the provided stailar of the formation of the provided stailar of the formation of the provided stailar of the formation of the provided stailar of the formation of the provided stailar of the p
Item	Application papers process Grants and contracts award Technical assistance proving Training perticipants Training requests	During fascal year 1988, to correctional agencies, orginales for technical assumption of training was the provision of training and local agencies in NIC-training for meally 22,500

Pederal Prison System

National Institute of Corrections

Detail of Permanent Positions by Catagory

Flacal Years 1988 - 1990

Category	1988 Authorized	1989 Enacted	1990 Reguest
Correctional Institution Admin. (006) General Administration, Clerical and Accounting and Budget (500-599) Information and Arts Group (1000-1099) Attorneys (905)	17 18 4 1	17 18 4 1	22 19 6 1 1
Total	17	41	67
Washington	22 19	22 19 ·	21
Total	41	#	\$

Federal Prison System National Institute of Corrections

Summary of Change (Dollars in thousands)

Amount \$9,590	:	88 22 22 22 34 4 522 522 522 10,112
Mork- Yeara 41	80	::::::: :::: \$
Pera.	3	:::::: : :: : :: :
1989 as enacted	Adjustments to base. Adjustments to permanent positions and workyears	Mandatory Increases: 1) 1989 Pull-Team Pay increase impact on 1990. 2) Within-grade Increases. 3) Health benefits. 4) GSA Rent. 5) Federal Telecommunication System. 6) Transphore service. 7) GPO printing costs. 8) General pricing level adjustment. 1990 Base.

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\$8\$

Pederal Prison System National Institute of Cofrections Justification of Adjustments to Base (Dollars in thousands)

Amount

Mork-Years

Pers.

:

Ż	Adjustments to base:			
	Adjustment in permanent positions and workyears	80	85	
	This request is a technical correction to reflect positions and workyears historically used and funded. This adjustment would enable NIC to display resources appropriately in the budget request.			
夏	Mandatory Increases:			
ä	1. 1989 Pay Increase Impact on 1990	:	:	
	This request provides for the 4.1 percent pay increase as contained in the Treasury, Postal Service and General Government Appropriation Act 1989, General Provisions, tills VT, H.R. 4775, for cultilan and military personnel to be effectle January 1, 1989. The Department will be required to absorb the total pay raise in 1989, The requisted increase of \$21,000 is the amount required for full year funding in 1990.			
7		:	:	
	This request provides for an expected increase in the cost of within-grade increases. This increase is a preliminary estimate for such costs. The Department is still determining final WGI costs through the development of a dynamic model. These amounts will be adjusted when complete data are available.			

Work-

Perm.

		Perm.	Mork- Years	Amount
ë.	Health Denefits	:	:	\$12
	The Federal Employees Health Benefit Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate comesoring in 1975. Effective for the first pay period after January 1, 1989 the Expertment's actual contribution to health insurance increased 31 percent. In addition, OWH has indicated that it anticipates an increase of all share 15 percent by 1990 due to premium increases. The requested increase of \$12,000 provides funds for each increased coast from pay period 1 to pay period 2, projected for a full set plan minisma 15-percent increase initially predicted by OPH for 1989. The actual average increase initially predicted by OPH for 1989.			
÷	GSA Rent	:	:	8
	GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. An estimated uncontrollable increase of \$20,000 is required to meet our commitment to GSA.			
ĸ,	Pederal Telecommunication System (FTS)	:	;	22
	In 1986, the General Bervices Administration authorized a 16-percent increase in Federal Telecommunication System (FTS) Intercity costs. This increase was sainly due to unanticipated tariff increases. GSA cost estimates for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a 20-percent increase in FTS costs. This increase does not reflect additional use of FTS. The actual increase over the 1989 base of \$92,000 is requested.			
•	Telephone Service	:	:	13
	The Department is replacing an obsolete, ineffective, and expensive Centrex			٠

1 cost effective med Centrex lines and 19. The current munications costs.

five years, only maintenance coats will be required, It is estimated that the line rate will be increased from \$24.28 per line per month to \$45.63 per month in 1990. GPO criec to this organization is \$13,000. GPO criec to this organization is \$13,000. GPO criec to this organization is \$13,000. GPO criec to this organization is \$13,000. GPO criec to this organization of \$90,000. An additional \$4,000 will be required in 1990. General Pricing Level Adjustment. General Pricing Level Adjustment. General Pricing Level Adjustment. General Pricing Level Adjustment to additional \$4,000 will be required in 1990. General Pricing Level Adjustment to additional \$4,000 will be required in 1990. General Pricing Level Adjustment to additional \$4,000 will be required by a sac established through the market system instead of by law or requisition. Generally, the factor is applied to supplies, materials, equipment, contracts with the prices that the factor is applied to supplies, materials, equipment, contracts with the price associate and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990 estimates. Total, Mandatory Increases.
co as of June 23, 1988, to selected expense fled result from applying a factor of 3.6 a where the prices that the Government pays as instead of by law or regulation, plies, materials, equipment, contracts with a and utilities. Excluded from the here inflation has already been built into
60
Total, Adjustments to Base

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(00%) (00%)	Foultion & Increase/Docesse Poultion & Machine		11,575 49 \$1,602 8 \$227	: F	18	\$1,696 49 \$1,802 \$104 \$80,700 \$80,700 \$17,356 \$1,800 \$17,10 \$1,0 \$1,0 \$1,0
Summery of Requirements by Grade and Objections (Collars in thousands)	1989 Bat in September 1980 Bat in September 1980 Bat in September 1980 Bat in September 1980 Bat in September 1980 Bat in September 1980 Bat in September		41	: **	::	69 833
	1989 Actual Position & Mount		41 \$1,542	12	₽	44 \$1,624 \$73,400 \$36,533 (10.1)
	Gradie and salary canges	88-4, \$80,700. (3,04-14), \$87,186-4,333 (3,04-14), \$84,590-43,172 (3,04-14), \$84,590-44,597 (3-11), \$24,580-14,501 (3-2), \$12,584-31,501 (3-2), \$13,542-22,607 (3-4), \$13,738-20,463 (3-4), \$14,007-18,288	wat, apropriated positions	Pay above stated arrual rates lapses Ne savings the to lower pay scales for	Net full-time permenent and total MY -	Poteornel compensation. Average ES Galary. Average CS/CN Salary. Average CS/CN Cada.

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Gten	and Children Class	
Prison System	30	
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		The INSIA	1	Warrange Ber Lieber		CALL STATE	1970 (2011)	Contract of the last of	
Ch) act	Object Class		-	e transition					
11.11	Pull-time permanent	\$	\$1,624	\$	\$1,698	\$	\$1,802	:	\$104
	Total, workyears and personnel compensation	3	\$1,624	\$	1,698	\$	1,802		ğ
21	Personnel benefits,		8		\$		#		~
ন	Travel & transportation of persons		8 2		æ		321		~
8	Transportation of things		E,		2 5	•	8 5		~ ?
7.5	Markai payments to others Opennications, utilities and		•		§		2		•
	miscellaneous charges		178	•	100		92		
7	Printing and reproduction		116		8		8		
ĸ	Other services		7,039		3,458		3,642		3
Ж	Supplies and materials		ድ		8		3		
æ	Byliment		120		3		3 2		
7	Grants, subsidies, and contributions	91	632		2,618		2,747		82
	Total obligations	7	10,373	69	9,604	69	10,112		205
Peco	Recovery of prior year obligations		-790				:		
Electronic Control	Inchligated balance, start-of-year		-101		Ť		9 7		
Chot	Unchligated balance, end-of-year		ž		8		90		
ę	Total regulrements		06'6		9,590	·	10,112		
Relati	Relation of obligations to outlayer		10.0		765		377.		
9	Obligated balance, end-of-year		-6.755		9,755		-10,904		
2	Adjustments in unexpired accounts		96.		:				
₹	Outlays		10,839		6,584		6,963		

Pederal Prison System National Institute of Corrections Consulting and Related Services (Dollars in thousands)

1989 Estimate \$2,228	of Jails, prisons, NIC used consultants to saleting state thods, services and actices, designing and	lso uses consultants in
1988 Actual \$2,414	letance in the areas of the completion of the co	and programs. NIC a
1987 Actual \$3,165	idelivating technical assions of internal operations. I renovation projects and stance their operations, pray and percie agencies in impressions and a tence investigations and a	ions legislation, policies
Consulting Services	Consulting services are used to assist NIC in delivering technical assistance in the areas of fails, prisons, community corrections and in the conduct of some internal operations. For example in 1968, NIC used consultants to assist; fails in planning for construction and renovation projects and managing new fails; assisting state departments of corrections and prisons to advance their operations, practices, management methods, services and programs; assisting state and local probation and parole agencies in improving management practices, designing and management practices, designing and and supervision attacked as and contraction.	developing and implementing community correct the delivery of training at its National acad

Page **Numbe**r

Estimates for Fiscal Year 1990 **Buildings and Facilities** Eederal Prison System

Department of Justice

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Status of Construction and Summary of New Facilities Requirements
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Justification of Adjustments to Base.

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Eederal Prison System Buildings and Facilities

42.10

Summery Statement

The Federal Prison System (FPS) is requesting a total of \$401,332,000, 262 positions and 242 workyears for Buildings and Facilities for 1990. This request represents an increase of \$13,189,000, 81 positions and 87 workyears over the 1989 Appropriation anticipated.

The major objectives of the Buildings and Facilities Appropriation is to provide offenders with a safe and humane environment which affords an acceptable level of privacy and a complete armape of programs and activities for improving offenders, capabilities to achieve crime-free lives and to protect capital investment in existing facilities. The principal theme of the 1990 request is the continuation of the Bureau of Prisons capacity expansion initiative as summarized below:

For 1990, the Federal Prison System is requesting \$360,600,000, 45 positions and 27 workyears to further expand the capacity of the Federal Prison System by 7,845 beds. This includes \$282,700,000 for new capacity for 6,845 sentenced Federal offenders and \$77,900,000 to assist the U.S. Marshals Service by expanding bedspace for Federal detainees by 1,000.

In addition to the resources requested in 1990, the Federal Prison System will require an additional 12,670 beds at a cost of approximately \$813 million during the period 1991 to 1993 to keep pace with projected increases in the immate population for both sentenced and unsentenced prisoners and to reduce prison overcrowding to 30 percent by 1995.

Current prison overcrowding coupled with projected increases in the Federal inmate population continues to be the major challenge facing the federal Prison System. Since January 1981, the FPS facilities have experienced a dramatic 91 percent growth from 23,783 inmates to about 55,500 inmates, an increase of over 21,700 inmates. If its population growth is primarily the result of law enforcement and prosecution efforts against drug trafficking and organized crime.

Today, Federal prisons are overcrowded by a system-wide average of approximately 60 percent with some individual institutions overcrowded by more than 100 percent. Prison overcrowding is commonly related to an increased potential for immate idleness, immate violence and immate litigation. It has been judged as a major contributing factor in some of the worst state prison disturbances.

It should be noted that the Bureau of Prisons has revised its Federal inmate population projections. The 1989 Budget was based on a Federal inmate population projection of approximately 72,000 by 1995. This forecast was made before the completion of the U.S. Sentencing Commission's analysis of the impact of the new sentencing guidelines and the Anti-Drug Abuse Act of 1986. Since that time, the Bureau of Prisons has worked copy with the Commission in the development of these projections and has revised its 1995 projection in this budget upwards to 83,500 immates, an estimate which we believe is still conservative since it does not include the impact of the recently passed Anti-Drug Abuse Act of 1988.

During this period of rapid growth, the Bureau of Prisons has taken every possible action within available resources to reduce institutional overcrowding to manageable proportions to ensure that federal inmates continue to serve their sentences in a safe and humane environment. These actions include increasing the utilization of contract facilities, expanding existing institutions, acquiring surplus properties and constructing new institutions.

It should be noted that the Federal Criminal Justice System has traditionally made extensive use of alternatives to confinement. In 1988, approximately two-thirds of the 125,500 Federal offenders were under supervision in the community. The principal alternative to increate no confinement of prisoners. Since confirment or probation. The Federal Prison System has also sought to enpen alternatives to institutional confinement of prisoners. Since 1982, the community retarent center population has appended by 2,652 offenders from 948 to 3,600 immates. This increase has reduced significantly the potential institution based population. In addition, during 1988, 1,200 offenders were placed on special curfew parole status and FPS implemented the limited use of electronic monitoring for those offenders who do not present a threat to society.

With the support of this Administration and the Congress, the Bureau of Prisons has increased capacity by 4,500 beds since 1981. Funding currently available for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add about 15,700 beds when completed.

During 1988, the Bureau of Prisons partially activated a new Federal Correctional Institution in Marianna, Florida and recently completed construction on a Metropolitan Detention Center in Los Angeles, CA. Under construction are the Federal Correctional Institutions in Fairton, NJ: Jesup, CA; Sheridan, CR; and Bradford, PA. Within the next several months, we will begin construction of three Federal Correctional Institutions located in Schujikili, PA; Three Rivers, IX; and Manchester, KY. Also, the Bureau of Prisons has selected a site for a Federal Detention Center in Puerto Rico and is considering several sites for a new Mortheast and Southeast Federal Correctional Institution and a Meropolitan Detention Center in the Mortheast. It should be noted that the Attorney General has approved the transfer of funds from the Assets Forfeiture Fund at the end of 1989 for the construction of a South Central Federal Correctional Institution.

In order to contain new prison construction costs as well as future operating expenses, the Bureau of Prisons is planning several design changes which are reflected in the 1990 request. Briefly stated, a "Complex" of several correctional facilities of different security levels (e.g., a U.S. Penitentiary, a federal Correctional Institution and a Federal Prison (amp) would be constructed at one site.

In addition, the design capacity of medium security Federal Correctional Institutions will be increased from the current lavel of approximately 500 to a capacity of over 900. This will be accomplished by modestly increasing the cell size and initially designing two-thirds of the prison's cells for two immates each. The Bureau of Prisons continues to believe that the design standard for maximum security prisons should be a single immate in a single cell. However, our experience over the past several years has demonstrated that the Bureau of Prisons can safely operate medium security prisons with a majority of the cells housing two immates each.

To increase capacity for <u>sentenced</u> Federal offenders, the 1990 request contains two Federal Correctional Complexes (1,960 beds each). Each of these complexes will include a security level 5/6 penitentiary (550 beds), a security level 3/4 Federal Correctional Institution: (1,015 beds) and a security level 1 camp (500 beds). Also included a security contains and the acquisition of seven existing institutions (1,015 beds) and the acquisition of leasing program for two (2) new Federal Correctional Institutions (1,160 beds). These prisons would be financed and constructed easterned program for two (2) new Federal Correctional Institutions (1,160 beds). These prisons would be financed and constructed easterned bassis, staffed and managed by the Bureau of Prisons.

The U.S. Marshals Service has found it Increasingly more difficult to house unsentenced Federal detaines in state and local jails because of the U.S. Marshals. Currently, there are 4,500 unsentenced detaines in Federal Prison System facilities. The U.S. Marshals Service is requesting that the Federal Prison System facilities and astabilities or expanding 31 units at existing Federal prisons. The 1990 budget request includes a new Metropolitan Detention Center in Mismi, FL (700 beds) and satellite detention units (150 beds each) at two existing Federal prisons.

Without the continuation of the capacity expansion program during 1990, and in subsequent years, the Federal Prison System will be at approximately 90 percent overcroaded in 1995. This represents a deficit of 40,800 beds. This level of overcroading could seriously leporablize the life and safety of staff and immates. This type of a crisis could quickly lead to a "gridlock" in the Federal criminal justice system inviting could interpretation and the establishment of prison population "caps", a situation windich has occurred in several state correctional systems. The only available option at that point is to significantly reduce criminal investigations and prosecutions or provide early release for substantial numbers of immates, alternatives inconsistent with the Department's mission.

None A

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\$401,332,000

Eederal Prison System

Buildings and Facilities

Justification of Proposed Changes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

and constructing, les at existing ary expenses 1,000] to remain	States prisoners Provided further, id to "Buildings and ed to "Salaries	the Attorney of Representatives n section 606 of thi t of Justice ion to be proposed.
it of force account; wildings and facilit including all necess e account, [\$203,693	hat labor of United this appropriation: he funds appropriate Act may be transfer	upon notification by ations of the House ovisions set forth i 042, 4125; Departmen authorizing legislat
quipping necessary tong in a force by contract or force for force for force fo	ork performed under d 10 per centum of t is Act or any other	maittees on Appropri n compliance with pr 4003, 4009, 4010, 4 t, 1989) additional
remodeling, and e- penal and correct incident thereto,	may be used for we had not not to exceed Facilities in this and Frances in this	General to the Con and the Senate [ir Act]. (18 U.S.C. Appropriations Act
	remodeling, and equipping necessary buildings and facilities at existing penal and constructing, penal and correctional institutions, including all necessary expense. Including all necessary expense. Including all necessary expense.	remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incldent thereto, by contract or force account, [1535,633,000] <u>for cealannay</u> busis buntil expended. Provided, into labor of funted States prisoners may be used for work performed under this appropriation. Provided further, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salarles

[For an additional amount for "Buildings and Facilities", \$95,600,000, to remain available until expended, northitistanding any designations contained in other titles of tils Act.] (Urgent Supplemental Appropriations Act of 1989 to meet the Dire Emergency created by the Crisis of Orug Abuse.)

Explanation of Changes:

- The first change would provide authority to undertake a leasing program. Leased prisons, constructed with private resources, would be staffed and managed by the Bureau of Prisons.
 - 2. The second change is the deletion of Section 606 of the Act,

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Eederal Prison System Buildings and Facilities Crosswalk of 1989 Changes (Dollars in thousands)

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Appropriation	Pos. W Amt.	87 67 \$287 500		94 BR 100 643	≅
	Pos. W. Ant.	:			:
1989 Assets Forfeiture Find Transfor	Pos. M. Amt.	***************************************		28,850	88,850
Congressional Action on the President's Request	Pos. W Ant.	97 65 \$449,059 -10 2 -\$221,559		-54.361	191 153 525,213 -10 2 -225,920
1989 President's Budget Reguest				94 88 76,154	191 153 525,213
! :	ACTIVITY/Program	1. New Construction	2. Modernization and Repair of Existing	Facilities	

Explanation of Analysis of Changes from 1989 Appropriation Request

Concrassional Action on the President's Request: The Congress disallowed \$177,200,000 for the construction of one U.S. Penitentiary and two medium security Federal Correctional Institutions; \$12,000,000 for the acquisition and conversion of surplus facilities; \$9,300,000 for additional capacity at existing institutions; \$12,000,000 for construction of a Federal Detention Center to be located in Puerro Rico. The Congress denied the proposal to transfer \$88,689,000 from the Assets Forfeiture fund to Buildings and Accilities to conferent in Puerro Rico. Proposed for transfer to Salaries and Expenses or reprogrammed within Buildings and Facilities to fund the cost of the Mariel Cuban Congress provided an additional \$95,600,000 for "Buildings and Facilities in the Ungent Supplemental Appropriation Act of 1989 to meet the the Conference of Accidition of a new Federal Correctional Institution in the Northeast, the expansion of five (5) existing facilities and acquisition of

1<u>889 Assets Forfeiture Fund Iransfer</u>: The Attorney General plans to transfer \$88,850,000 from the Assets Forfeiture Fund at the end of 1989. Of this amount, \$60,000,000 will fund a new Federal Correctional Institution in the South Central Region and \$12,897,000 will fund of the Cellhouses at the Leavenworth Penitentiary, \$1,303,000 will complete work started in 1989 at the Atlanta Penitentiary, \$7,000 will fund for fire safety improvements and \$7,580,000 will provide for general repair and utility improvements at eight (8) existing institutions.

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Federal Prison System
Rulldings and Facilities
Summary of Requirements

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Department of Justice Appropriation Act, 1989 1989 Anti-Drug Abuse Supplemental 1989 Appropriation Anticipated 1989 Appropriation Anticipated Mandatory increases (automatic non-policy).	ention A entell. feiture (cy)	£	68												# # # # # # # # # # # # # # # # # # #	Édas and a	- 43 43 12 12 15 15 15 15 15 15 15 15 15 15 15 15 15	\$203,693 95,600 88,850 388,143 1,386 -348,192 40,732
	3	1 24	1/ 1988 as Enacted	9	88 Ac	1988 Actual	1989	Appro	Appropriation Anticipated		90 Ba		ă	20 Est	1990 Base 1990 Estimate	l.	Jocce	37
Activity/Program	5 2	Ħ	Amount	8	¥	Pos. VY Amount	E s	걸	Amount	E sa	Ħ	Pos. M. Amount	Po S	Ħ	Pos. W Amount	E 3	쳞	Amount
1. New Construction	19	25	52 \$156,750 64 34 \$54,144	2	ੜ	\$54,144	83	63	67 \$287,500 107	101		\$6 50	152	138	111 \$650 152 138 \$361,250	45	23	45 27 \$360,600
2. Modernization and Repair of Entering Facilities 76 75 140,326 73 66 70,145 94 88 100,643 110 104 40,082 110 104 40,082	2	12	140.326	2	99	70.145	8	88	100.643	110	ğ	40.082	Ħ	9	40.082	- 1	1	1

1/ Includes \$95,400,000 transferred from the Assets Forfeiture Fund,

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Federal Prison System

Buildings and Facilities

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

ctivity/Program	1989 Ar	1989 Appropriation Anticipated	iation		1990 Base		199	O Esti	nate	Incre	ase/De	crease
	Pos.	Ħ	Amount	P. S	¥	Amount	Pos.	덫	Perm. Poss. MY Amount Poss. MY Amount Poss. MY Amount Poss. MY Amount	Pos.	Ħ	Amount
New Construction	81	67	\$287,500	107	111	\$650	152	138	67 \$287,500 107 111 \$650 152 138 \$361,250 45 27 \$360,600	45	27	\$360,600
ong Range Goals:												
								,				

Provide safe, humane environments for both inmates and staff, which meet the basic human needs for privacy and dignity, which support voluntary programs of self-improvement that prepare inmates for their eventual release into the community, and which minimize the often corrosive effects of institutional confinement.

Expand the capacity of the Federal Prison System to keep pace with projected increases in the Federal inmate population and to simultaneously reduce prison overcrowding to 30 percent by FY 1995.

Major, Objectives:

Review FPS capacity requirements.

Locate and acquire suitable, surplus facilities as an alternative to prison construction

Locate and acquire suitable sites for new construction.

Prepare design programs and concepts for new facilities, including new housing units.

Construct new Federal prisons and detention centers and expand existing Federal prisons as required.

Undertake a leasing program for two (2) new Federal Correctional Institutions.

<u>Base Program Description</u>: The Federal Prison System (FPS) continuously reviews capacity requirements, considering the immate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of present facilities. If the Federal immate population levels are projected to exceed the capacity of the Federal Prison System, every possible action is taken to keep institutional overcrowding at manageable proportions to insure that Federal immates continue to serve their sentences in a safe and humane environment.

It should be noted that the Federal Judiciary and the Federal criminal justice community have traditionally made extensive use of alternatives to confinement. In 1988, aimost two-thirds of the 125,500 Federal offenders are under supervision in the community. The principle alternative to incarceration continues to be probation.

The Federal Prison System has also sought alternatives to institutional confinement of prisoners. Since 1982, the community treatment center population was expanded from 948 to approximately 3,600 immates. This increase has reduced significantly the potential institution based population. In addition, during 1988, 1,200 offenders were placed on special curfew parole status and FPS implemented the limited use of electronic monitoring for those offenders who do not present a threat to society.

In addition, several other options to constructing new prisons to reduce overcrowding have been pursued by FPS. These include contracting with state, local and private facilities, expanding existing Federal prisons, and acquiring surplus facilities.

the end of 1988, the FPS contracted with state and local governments for the confinement of approximately 2,700 Federal immates.

from a cost perspective, the expansion of existing institutions is the least expensive technique for increasing FPS capacity. The FPS is currently building additional housing units at facilities where program space can absorb further population increases. However, where major program areas, such as food service and utilities, are already saturated, expansion may approach the cost of newly constructed facilities.

The FPS continually reviews federal surplus and other property for possible acquisition and conversion to minimum security correctional facilities. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of time. While conversion of facilities to minimum security institutions is usually fessible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security must be designed into the facility. Converting existing non-correctional properties to medium and maximum security facilities is frequently more expensive than design and construction of new institutions.

If no suitable alternatives are available, FPS must construct new facilities to expand capacity. A suitable site must be located and acquired. The site acquisition process includes notification of the public and preparation of an Environmental Impact Statement. The new facility is designed by contract architects and the project is then bid for construction. Essentially, the FPS oversees construction projects that have been contracted out to private construction firms.

It should be emphasized that within the base program the Federal Prison System will not have sufficient resources to satisfy its capacity requirements. Efforts to date to increase capacity by adding housing units at existing institutions, acquiring surplus property, increasing the utilization of contract facilities and constructing new institutions still leave the FPS significantly short of capacity.

The FPS immate population of approximately 45,500 is currently being housed in facilities with a total rated capacity of about 29,100, a system overcrowding rate of almost 60 percent. Research studies on prison overcrowding indicate that the normal tensions of institutional living become morphisms of an essuit in increased violence. In addition, changes in prosecution policies over the past several years have resulted in a more criminally sophisticated and violent Federal immate population.

The prediction of future events is no less difficult in the prison setting than in other areas of social phenomena. Future policy and discretionary decisions throughout the Federal criminal justice system will significantly affect inmate population levels. It has been the experience of the FPS that highly accurate long-range population projection methodologies simply do not exist. While there are often factors that have statistically valid correlations with prison populations, such as Federal court activities, a basic difficulty arises when one attempts to forecast those variables in order to project prison populations, or when other non-court related variables like Immigration and Maturalization Service or the District of

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 \vec{C} olumbia government policies come into play.

It should be understood that the FPS population projections traditionally have been conservative in order to insure that funds are not needlessly expended in constructing unnecessary prison capacity. The immate population increase projected is not over estimated but rather represents the minimum level of increase which is likely to occur.

Accomplishments and Workload: The following table compares projected population levels through 1995 to capacity changes (including increases in population and capacity for unsentenced prisoners):

	1993 1994 1995						:		:	:	:	:		: :		:	:			:	:
	139				:	:	:	:	:	:	:	:	:	: :	:	:	:	:	:	:	:
					:	:	:	:	:	:	:	:	:	: :	:	:	:	:	:	:	:
Estimated	1992				:	:	:	:	:	:	:	:	:	: :	:	:	:	:	:	:	:
ū	1989 1990 1991 1992				. :	:	:	:	:	:	:	:	:	: :	:	:	<i>'</i> :	:	:	:	:
	1990				:	:	:	:	:	:	:	:	:	: :	:	:	÷	:	::	220	200
	1989		28,143		807	211	96	8	312	25	3	25	25	25	22	8	725	8	9	:	:
	1988	43,835 28,143 56%	:			:	:	:	:::	:	:	:			:	:		:	:	:	:
	1987	42,627 27,854 53%	:			:	:	:	:	:								:	:	:	:
	1986	39,008 27,785 40%	:						:									:	:		
na]	1985	33,834 25,532 33%						::::	:	:											
Act	1981 1982 1983 1984 1985 1986 1987 1988	31,394 24,874 26%		8		:		:::::	:		:				:	:					
	1983	29,178 23,936 22%		or to 19	s:	:::::::::::::::::::::::::::::::::::::::		:	:	:					:	:					
	1982	27,730 24,072 15%	:	city pri	turbance	:::::::::::::::::::::::::::::::::::::::	:	:											:		
	1981	24,932 23,648 3%	ar)	to capa	uban dis	:	titution Addition		(7)				- d	Expansion	:			:			
	Item	Average daily population. 24,932 27,730 29,178 31,394 33,834 39,008 42,627 43,835 Rated capacity 23,648 24,072 23,936 24,874 25,532 27,785 27,884 28,143 Percent overcrowded 3% 15% 22% 26% 33% 40% 53% 56%	Rated capacity (start of year) 28,143	Approved and funded changes to capacity prior to 1989	Reconstruction - Mariel Cuban disturbances: Atlanta	Uakda I e	Expansion of existing institutions: Seagoville Housing Unit Addition.	Montpowers Late 19	Photograph Cases	Marion Camp Expandion	Ashland Satellite Camp.	Memohis Satellite Camp	Talladega Satellite Camp.	Atlanta Satellite Camp Expansion.	Annual Monte April 104 to 104	······	New Federal Prisons: FCI Mariana, FL PFI Charidas, Ab	FCI Bradford DA	FCI Fairton, MJ	FCI Jesup, GA.	***************************************

	7887		1221	1221 1227 1227 1221	7777	1224	
			200	:	;	;	;
FCI SCRUPIK) 11, PA	:	:	2 4	:	:	:	: :
FCI Manchester, KY	:	:		:	:	:	:
FCI Three Rivers, TX	:	:	000	:	:	:	:
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Pleasant in Notes (in Inst	901	:	:	:	:	:	:
Acquire and removate surplus facilities into Federal Prison Camps	320		444	***	444	1	1
Subtotal, approved and funded changes prior to 1989 (9,908 beds)	6,858	1,250	1,800	:	:	:	:
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May Detembling Connection							
New Determination Control of the Con			;	350	;	:	:
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fairt State Described Half.	:	:	35	:	:	:	:
Lort Morth Detention unit.	-				-		1
Subtotal, 1988 transfer from Assets Forfelture Fund (650 Deds)	:	:	₹	20	:	:	:
Changes to rated capacity provided in the Department of Justice Appropriation Act. 1989							
New Federal Prisons: Southeast FCI with a 250-bed camp.	:	:	:	800	:	:	:
Expansion of Existing Facilities:		į					
Satellite Camps - Bastrop, Milan, and Sandstone (150 each)	:	500	:	:	:	:	:
Levisburg Camp Expansion	:	2	:	:	:	:	:
Housing Unit - Rochester	:	8	:	:	:	:	:
New Defention Capacity:				9			
Notificate Microscopia to the 1888 (1 Mars)		650		5			1
התחנכות: הכס שלהו כלו שרום: ערו 1707 (1700 שבים)	:	3	:	2	:	:	:
Changes to rated capacity resulting from the 1989 Anti-Drug Abuse Supplemental					•		
Was Federal Drivans.							
Northeast FCI with a 250-bed camp.	:	:	:	800	:	:	:
Expansion of Existing Facilities:			:				
Butner Satellite Camp	:	:	2 5	:	:	:	:
Manchester Sate 11 te Camp	: :	: :	25	: :	: :	: :	: :
	:		;		:	;	:

And the state of t

	1989	1990	1991	1992	1993	1994	1335	
Three Rivers Satellite Camp	:	:	150	:	:	:	:	
New Detention Capacity: Northeast Detention Unit.	:	:	:	150	:	÷	:	
Acquire Enisting Facilities	1:	38	009	250	#	1:	1:	
1389 Iransfer from Assets Forfeiture Fund New Federal Prison: South Central PCI	:	:	:	:	1,160	:	:	
1 ' 1	50,378 56,400 35,001 37,401 15,377 18,999 44% 51%	1 1 3	62,450 40,101 22,349 56%	68,500 42,701 25,799 60%	74,500 79,000 43,861 43,861 30,639 35,139 70% 80%		83,500 43,861 39,639 90%	
1990. Request			•					
New Federal Prisons: Northeast Correctional Complex Western Correctional Complex	::	::	::	::	1,960 1,960	::	::	
Lease Program North Central and Western FCI	÷	:	:	÷	1,160	:	:	
Expansion of Existing Facilities: Big Spring Unit. Orisylle Satellite Camp. Tallabssee Satellite Camp. Tyndal Unit. Loretto Unit Expansion. Danbury Satellite Camp.	::::::	::::::	240 150 150 225 100 150	:::::::	::::::	::::::	.:::::	,
Acquire Surplus Facilities	:	750	:	:	:	:	÷	
New Detention Capacity: Mian, Fu No. Milan Detention Unit Atlanta Detention Unit Subtotal, 1990 changes (7,845 beds).	:: :	:: 22	150	:: :	700	:: :	:: :	

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	1995	83,500 31,794		29,6 69 :09	83,500 19,124
	1994	9,000 7,294 534		1,960 1,160 350 150	3,620 9,000 405 405
	1993 1994 1995	74,500 79,000 83,500 51,706 51,706 51,706 22,794 27,294 31,794 44% 53% 61%		: : : : : : : : : : : : : : : : : : : :	Total, 1991 to 1995 changes to rated capacity (12,670 beds)
2	11	2 2 2 2	,		500 134 134 135 135 136 137 137 137 137 137 137 137 137 137 137
Fatimated	٩	,450 68,5 166 44.7 284 23,7 48%			68,5 ,450 68,5 ,166 45,3 ,284 23,1
•	188	62,450 20,284		::::	62,450 42,166 20,284 487
	1989 1990 1991 1992	78 56,400 62 01 38,151 42 77 19,249 20 44% 48%		::::	6,400 8,249 48%
	1989	50,378 56,400 62,450 68,500 7 35,001 38,151 42,166 44,766 5 15,377 18,249 20,284 23,734 2 44% 48% 48% 53%		Correctional Complexes (3) Federal Correctional Institutions (4). Expansion of Existing Institutions (1). Metropolitan Detention Centers (2). Metropolitan Units (7).	50,378 56,400 62, 35,001 38,151 42, 15,377 18,249 20, 44%, 48%
	,	1 1		}	15 m2
		Average Daily Population. Rated capacity adjusted for 1990 changes. Percent overschooled.		Correctional Complexes (3). Federal Correctional Institutions (4). Expansion of Existing Institutions (1). Metropolitan Detention Centers (2).	Total, 1991 to 1995 changes to rated capacity (12,670 beds)
		Average Daily Population. Rated capacity adjusted for 1990 changes. Percent overcrowled.			
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		2 5 5 5	8	Pera J Pera J Pet Pet	otal
		2 P 2 P 2	1991 to 1995 planned changes to rated capacity	FEE CO	- Per -
		\$ 2 2 3	8		2299

Since January 1981, the Federal immate population has increased from 23,783 to about 45,500. This dramatic 92 percent increase is the result of the law enforcement initiatives taken by this Administration, particularly the emphasis on drug trafficking and organized crime. Based on long-term trends and the impact of the Anti-Drug Abuse Act of 1986 and the Sentencing Commissions guidelines, short-term projections are that the annual average daily population will be at least 56,400 in 1990 and that it will reach 85,00 by 1995. We believe this estimate is still conservative since it does not include the impact of the recently passed Anti-Drug Abuse Act of 1988.

With the support of this Administration and the Congress, the Bureau of Prisons has increased capacity by 4,500 beds since 1981. Funding currently available for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add 15,718 beds when completed.

During 1988, the Bureau of Prisons partially activated a new Federal Correctional Institution in Marianna, FL and recently completed construction on a Heropolitan Detention Center in Los Angeles. Ch. Under construction are the Federal Correctional Institutions in Fairton, Wil Jasup, 64, Sheridan, Off and Beadord, PA. Within the next several months, we will begin construction of three Federal Correctional Institutions located in Schwiltin, PA; and Marchester, Kf. Also, the Bureau of Prisons has selected a site for a Federal Detention Center in Puerto Rico and 1 stooklering several sites for a new Mortheast and Southbeast Federal Correctional Institution and a Metropolitan Detention Center in the Northeast. It should be noted that the Attorney General has approved the transfer of funds from the Assets Forfeiture Fund at the end of 1989 for the construction of a South Central Federal Correctional Institution.

As the above table indicates, without continuation of the capacity expansion program during 1990 and in subsequent years, the Federal Prison System will be 90 percent overcrowded in 1995. The 1996 to 1995 planned changes to rated capacity will increase prison capacity by 20,515 by 1995. This capacity increase will reduce overcrowding to approximately 30 percent and enable the Federal Prison System to achieve its stated goal.

Increase/Decrease	Amount	27 \$360,600		Amount	(in 000's) \$114,700 116,400 231,100	:		4,500 6,000 5,300 5,000 5,300 5,300 1,200 1,800	9,800	58,000 10,800 9,100 77,900	350,600
ease/De	Ħ	23	ol lows:	Resources	12 P°	:			e	~-4°	23
Incr	Perm.	₹	ity as f		2 2 7 7 8 3 7 7 7 8	:		, ,	4	8-7 2	45
1990 Estimate	Amount	138 \$361,250	son capac		:::				:		:
Estim	த	138	nd pri		beds)1		These and		:		:
1990	Perm. Pos.	152	00 to expa		SL-1, 500 -1, 500 be		prisons. nual basis				:
	Amount	\$650	360,600,0		eds; and SL		security i				
1990 Base	펄	Ξ.	s and s		910 t	:	medium Jeased				:
19	Perm.	101	7 workyear		eds: SL-3/4 i; SL-3/4,	on	these two		(750 beds		
	Program Changes:	New Construction	Program Changes: In 1990, FPS is requesting 45 positions, 27 workyears and \$360,600,000 to expand prison capacity as follows:		Construct New Federal Prisons (3,920 beds): Northeast Correctional Complex, 1,960 beds (SL-5/6, 550 beds: SL-3/4, 910 beds; and SL-1, 500 beds) Western Correctional Complex, 1,960 beds (SL-5/6, 550 beds; SL-3/4, 910 beds; and SL-1, 500 beds) Subtotal, New Federal Prisons.	Lease Program (1,160 beds): North Central and a Western Federal Correctional Institution	Authority is requested to undertake a leasing program for these two medium security prisons. These prisons, which would be constructed with private resources, would be leased on an annual basis and would be staffed and managed by the Bureau of Prisons.	Espand Seven (7) Existing Facilities (1,015 beds): New Synthing Meusing Unit, 240 beds. Otisylle Satellite Camp, 150 beds. Tallahassee Satellite Camp, 150 beds. Tallahassee Satellite Camp, 150 beds. Loretto Espansion, 100 beds. Loretto Espansion, 100 beds. Lenisburg Segregation Unit. Subtotal, Increased Capacity at Existing Facilities.	Acquire Existing Facilities located on active military bases (750 beds)	New Detention Capacity (1,000 beds): Hami MDC, 700 beds. Hilan Detention Unit, 150 beds. Atlanta Detention Unit, 150 beds. Subtotal, Detention Capacity.	Total, (7,845 beds)

We consider the

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In addition to the resources requested in 1990, current capacity expansion plans will provide for an additional 12,670 bads at a cost of \$812,600,000 during the period 1991 to 1993, to keep pace with projected increases in the immate population and to reduce prison overcrowding to 30 percent by 1995. This would include 3 Federal Correctional Complexes, 4 new Federal Correctional Institutions with minimum security satellite camps, 1 expansion project at an existing prison, 2 new Federal Detention Centers and 7 satellite detention units at existing Federal prisons.

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In order to contain new prison construction costs as well as future operating expenses, the Bureau of Prisons is planning several design changes which are reflected in the FY 1990 request. Briefly stated, a complex of several correctional facilities of different security levels (e.g., a U.S. Penitentiary, a Federal Correctional Institution and a Federal Prison Camp) would be constructed at one site.

In addition, the design capacity of medium security Federal Correctional Institutions will be increased from the current level of approximately 500 to a capacity of over 900. This will be accomplished by modestly increasing the cell size and initially designing two-thirds of the prison's cells for two inmates each. The Bureau of Prisons continues to believe that the design standard for maximum security prisons should be a single immate in a significant, which we experience over the past several years has demonstrated that the Bureau of Prisons can safely operate medium security prisons the cells housing two immates each.

	1989	Appro	riation						1989 Appropriation				
	PO	Cipa	Be		1990 B	ase		2000	et impto				
Activity/Program:	e d	3		Pera.			Pera		31000		Edse/U	SCLEASEE	
	3	Ħ	Amount	Pos	물	Amount	Pos.	5	Amount		3		
Modernization and Repair of								i			Ħ		
Existing Facilities 94 88 \$100,643 110 104 \$40,082 110 104 each one	\$	88	\$100,643	110	104	\$40.082	=	701	40 000				
Long Range Goals: To protect casis.							:	5	700 000	:	: :	:	
operation of correctional programs within the Enders Descent Control of Corrections programs within the Enders Descent Control of Correctional programs within the Enders Descent Control of Correctional programs within the Enders Descent Control of Corrections and adequately sized and equipment for the Control of Corrections of Control of C	within the	Feder	facilitie	S. To P.	ovide	safe, eff	icient,	and ade	quately size	a and e	autoped	factities	600

facilities for the Federal Prison System (FPS) institutions. şĒ

Major Objectives:

Repair and renovate facilities as required.

Make all facilities energy efficient in accordance with Department of Energy Life Cycle Costing method.

Identify and remove any hazardous waste that may exist on Federal Prison System property.

Comply with all requirements of the Joint Commission on Accreditation of Hospitals.

Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities. Modernize antiquated Federal prisons.

Base Program Description: This program provides the resources to undertake essential rehabilitation, removation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, to adequately and intain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.

Work is identified by two specific categories of projects: Major line item requirements (projects valued over \$500,000) for which funds are specifically requested by project; and repair and improvement (R&I) requirements (projects valued at \$4,000 to \$500,000). R&I projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

and for 1990, the base program includes \$4,405,000 for Fire Safety Improvements, \$2,390,000 for Hazardous Waste Removal, and \$33,287,000 for Repair Improvement projects valued between \$4,000 and \$500,000. Major Modernization and Repair projects over \$500,000 are specifically requested by project.

Accomplishments and Morkload: Accomplishments of the program Modernization and Repair of Existing Facilities are presented in the following table:

266 300 250 200 463 563	Item	1987	8861	Estimates 1989 1990	Les 1930	
	cts establishedcompleted and closed	266 250 463	300 200 363	300 200 200	364 300 633	

It should be emphasized that the normal useful life of buildings without major repair and renovation is 30 years. Fifty percent of FPS facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use especially during periods of high overcrowding.

The Comprehensive Environmental Response Compensation and Liability Act of 1980 required Federal agencies to determine if potentially hazardous waste was buried or otherwise disposed of on Federal property. Forty-eight (48) sites at eight (8) institutions (Allenwood, Ashland, Atlanta, Bastrop, El Reno, Leavenworth, Lexington and Sandstone) have been identified as containing suspected contaminants. To date, \$6.6 million has been approved for this project. Thirty (30) institutions were surveyed by Fire Safety Engineers for NFPA 101 Life Safety Code Compilance. These surveys indicate the installation of proper exists, emergency lights, sanke detection systems, standpies and hose cabinets and removal of combustible building materials is required to bring institutions into total compliance with the Life Safety Code. The cost of these projects will approximate \$1 million per institution. Funds appropriated through 1989 total \$16.0 million.

A long-term multiphase project to convert USP Leaverworth to a modern correctional institution began in 1982. To date, \$33.5 million has been appropriated. The renovation of two cellhouses has been completed and the construction of a new segregation unit is underway. Two cellhouses still require modernization. The 1989 request included resources to begin the modernization of one of two remaining cellhouses.

In 1983, the Federal Prison System also began the removation of the Atlanta penitentiary to a modern correctional facility. Funding thru 1988 totals \$22,378,000. Construction of a new satellite camp has been completed. Currently two cellbouses, not damaged during the recent disturbance, and the utility system are being removated. The federal Prisons System reprogrammed \$33,000 (including \$16,200,000 for UNICOR) within the "Buildings and Facilities" appropriation to replace the facilities destroyed during the disturbance. The approval of \$1,300,000 in 1989 will enable the Bureau of Prisons to begin the first of a two phase project to construct a facility that will be used as a hospital, receiving and discharge area, records

Einancial Analysis - Program Changes (Dollars in thousands) **Buildings** and Facilities Eederal Prison System

		DEL AND LAKE DAY THE BALL	Budget
Item	Pos.	0611a.	Auth. L
65-12.	=	74 84	:
6S-11.	52	721	:
6S-05	9	8	***************************************
Total positions and annual rate	45	1,299	:
Lapse (-)	=	-354	
Total workyears and personnel			
Compensation	23	945	\$3,150
Personnel benefits	:	216	_
Travel and trans, of persons.		998	1.2
Transportation of things.	: :	74	7
Rental payments to others.	: :	1.832	901.9
Comm. Util and misc. charges	:	117	
Printing and reproduction.	: :	24	•
Other services	: :	76.450	254.8
Supplies and materials.	: :	9,953	33.176
Equipment	: :	1.265	4.217
Lands and structures	: :	16.874	56.246
Insurance claims and indemnities	:	62	•
Total workyears and obligations,			
and budget authority	2	27 108,180	360,600

1/ Budget authority for personnel compensation and benefits are for the life of the project.

Eederal Prison System
Buildings and Facilities
Status of Construction and Summary of New Facilities Requirements

	Budget	Request of A	Budget Request of Appropriation	Total			
	New Con Fiscal	New Construction Fiscal	Total	Cost Estimate	Status - December 1988 06119.	mber 1988	Estima Comple
Project (beds)	Tear	Amount	Eunding	or Actual	to pate	Stage of Programs	nat
New facilities:							
Los Angeles MDC (588)	1983	\$40,000	\$40,000	\$40,848	\$39,901	Substantially complete	10/8
Fairton FCI (550)	1984 1985	3,400 33,050	36,450	41,500	44,525	68% complete	10/8
McKean (Bradford) FCI 700	1985 1987	3,500 45,800	49,300	49,300	46,990	70% complete	8/8
Marjanna FCİ (750)	1985 1987	3,500	43,175	43,373	43,056	Substantially complete	10/8
Sheridan FCI (800)	1984 1987 1988	5,000 18,320 30,000	53,320	48,720	47,103	70% complete	2/8
Jesup FCI (700)	1987	45,000	45,000	44,752	40,612	19% complete	12/8
Manchester FCI (700)	1987 1989	40,000 5,000 1/	45,000	45,000	7.5	A/E Negotiations	(6/9
Minersville (Schuylkill) FCI (700)	1987 1988	5,000	51,500	51,500	2,770	In Design	(6/9
Three Rivers FCI (700)	1988 1989	40,000 5,000 1/	45,000	45,000	8,289	Bidding	10/90

1/ Funded by 1989 Anti-Drug Abuse Supplemental

•	CO.	New Construction		Current			
	Fiscal		Total	Fetimate	Ohlio	Centrer 1988	Completion
Project (beds)	Year	Amount	Eunding	or Actual	to Date	Stage of Programs	Date
New facilities (Cont)							
Southeast FCI (800)	1989	\$49,700	\$49,700	\$49,700	\$25	Site search underway	10/91
Northeast FCI (800)	1989	58,100	58,100	58,100	:	Site search underway	10/91
Northeast MDC (500)	1989	52,000	52,000	52,000	23	Site search underway	10/01
Expansion of existing facilities:				,			٠
Pleasanton Det Unit (100)	1988	7,000	7,000	7,500	7,447	50% complete	3/89
Leavenworth Seg Unit (120)	1983	4,870	4,870	5,700	5,667	75% complete	1/89
Montgomery Housing Unit (160)	1983	2,250	2,250	2,024	2,024	100% complete	10/88
Milan Housing Unit (100)	1985	3,380	3,380	3,397	3,397	100% complete (closed)	10/87
Miami Housing Unit (100)	1985	3,000	3,000	3,281	3,265	100% complete	10/87
Seagoville Housing Unit (96)	1985	1,800	1,800	2,123	2,103	Substantially complete	11/88
Tucson Housing\Core Expansion (94)	1985	4,305	4,305	4,500	4,459	Complete	88/6
Texarkana Housing Unit (100)	1985	1,925	1,925	2,003	2,003	100% complete (closed)	11/87
Montgomery Housing Unit (160)	1985	2,250	2,250	2,250	2,249	Substantially complete	10/88

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200	dget Reg	uest or App	Budget Request or Appropriation	, total		-	
	New Con	New Constructon		Current	Chatus	Chatte - December 1989	Fet impted
Project (beds)	Fiscal Year	Amount	Total Funding	Estimate or Actual	oblig. to Date	Stage of Programs	Completion Date
Oxford Seg Unit Expansion (16)	1986	\$650	\$650	\$983	\$983	100% complete (closed)	2/88
Montgomery Housing Unit (160)	1986	2,600	2,600	2,084	2,082	Substantially complete	10/88
El Reno Seg Unit (60)	1986	2,800	2,800	3,432	3,424	50% complete	1/89
Englewood Detention Unit (90)	1986	5,400	5,400	5,599	5,599	100% complete	11/87
Marion Camp Housing Unit (100)	1987	2,000	2,000	2,115	2,169	34% complete	12/88
Phoenix Camp (150)	1987	4,900	4,900	5,400	5,342	Substantially complete	1/89
Ashland Camp (150)	1988	5,500	:	5,888	5,883	10% complete	68/9
Memphis Camp (150)	1988	5,500	:	5,500	5,139	13% complet	68/9
Talladega Camp (150)	1988	5,500	:	5,500	4,564	20% complete	68/9
Atlanta Camp Expansion (150)	1988	3,000	:	3,200	3,122	8% complete	6/83
Morgantown Housing Unit (150)	1988	3,500	:	3,500	302	Award pending	68/9
Oxford Housing Unit (100)	1988	3,700	:	3,700	2,485	7% complete	68/9
Fort Worth Detention Unit	1988	5,000	2,000	5,000	:	In design	10/90
Tallahassee Detention Unit	1988	5,000	5,000	5,000	:	In design	10/90
Bastrop Camp (150)	1989	5,750	5,750	5,700	:	In design	06/9
Lewisburg Camp Unit (100)	1989	5,200	5,200	5,200	:	In design	06/9
Milan Camp (150)	1989	000'9	000*9	9,000	:	In design	06/9
Sandstone Camp (150)	1989	5,900	5,900	6,900	:	In design	06/9

	udget Regi	lest or App	Budget Request or Appropriation				
	Existing Fac	Expansion of Existing Facilities	val	Total Current			
	Fiscal		Total	Cost	Status - December 1988	ember 1988	Estimated
Project (beds)	Year	Amount	Funding	or Actual	to Date	Stage of Programs	Date
Rochester Housing Unit (100)	1989	\$4,000	\$4,000	\$4,000	:	In design	← 06/9
Memphis Seg. Unit	1989	3,100	3,100	3,100	:	In design	06/9
Butner Satellite Camp (150)	1989	5,300	5,300	5,300	:	In design	10/90
Fairton Satellite Camp (150)	1989	000'9	000'9	9,000	:	In design	10/90
Northeast Detention Unit (150)	1989	9,800	9,800	9,800	÷	In design	10/90
Atlanta Conversion	1983	2,400	22,378	99	22,750	Satellite Camp complete Master plan complete	
•	1986 1986	10,000				Utility upgrades underway B & D Cellhouses under construction	
Leavenworth Conversion	1981 1983 1984	1,850 5,465 1,974	20,610	42,400	20,580	Completed "A" and "B" Cellhouses	
	1986	4,250					

Eederal Prison System Buildings and Facilities Detail of Permanent Positions by Category

				1990	
Category	1988 Authorized	1989 Authorized	Adjustments to Base	Program Increases	Total
General Admin Clerical and Office Services (300-399). Accounting and Budget (500-599). Accounting and Architecture Group (800-899). Businers and Industry Group (1100-1199). Ungraded (mechanical and construction).	16 33 39 29	17 10 87 87 45	7-16-14	6 15 7 12	24 131 131 33 38
Total	137	181	36	45	292
Washington. U.S. Field	119	18	:%	4.4	22 240
Total	137	181	36	45	292

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Summary of Change

\$203,693 95,600 88,850 388,143

Perm. Pos.

Department of Justice Appropriation Act, 1989	164	143
1989 Appropriation Anticipated	181	155
Adjustments to base: 1990 Mandatory Increases: Delayed Construction Projects.	21	61
Annualidation of 1909 Frogram increases. 1988 Assets Forfeiture Fund Transfer	:	6 4
1999 Anti-Drug Abuse Supplemental 1989 Assets Forfeiture Fund Transfer	. : 5	เฉอ
Annualization of 1989 pay supplemental	: :	: :
Health Benefits.	:	:
rederal Employees Ketiroment System (FEKS)	::	: :
General Pricing Level Adjustment	18	18
1990 Non-Poilcy Decreases (closed projects)	:	:
1990 Base	217	215

·-401,332

Summary of Change (Con't)

Pera.

ortheast Complex
estern Complex
ease Program
spand Seven Existing Institutions
equire Surplus Facilities
lami MC
onstruct Detention Units at Iwo Existing Facilities

1990 Estimate.....

Eederal Prison System Buildings and Facilities Justification of Adjustments to Base (Dollars in thousands)

뇀	:	:	26	5	\$	6
Amount	•	•	\$292	•	•	- .
Work-	19	4	:	:	:	:
Perm. Pos.	12	54	:	:	:	:
	Mandatory Increases: 1. Positions and workyear requirements associated with delayed construction projects	2. Annualization of 1989 increases	3. 1989 Full-year pay increase impact on 1990	4. Within-grade increases. This request provides for the expected increase in the cost of within-grade increases. This increase is based on a dynamic model of actual Department requirements.	5. Nealth benefits. The federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commercing in 1975. Effective for the first pay period after January 1, 1988, the Department's actual contribution to health insurance increased 32 percent. In addition, OPM has indicated that it anticipates an increase of at least 15 percent by 1990 due to premium increases. The requested increase of \$40,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year plus the minimum 15 percent increase	6. Federal Employees' Retirement System (FERS). This request provides for the additional costs in 1990 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. The Act established a retirement program for Federal civilian employees and Postal Morrer's hired after December 31, 1983, who are covered by social security and for employees under the Civil Service Retirement System who chose to transfer to the new system. The increased requirement for 1990 is based on actual agency payments through pay period 16 for the basic FERS annuity, Social Security and thrift savings.

tification of Adiustments to Ba

Amount	₩	288	1,386	-348,797 -348,797 -60 -347,411
Work-	:	1	9	1 1 8
Perm. Pos.	:	1	8	1 1 %
	7. Federal Telecommunications System (FTS). In 1986, the General Services Administration authorited a 16 percent increase in Federal In 1986, the General Services Administration authorited a 16 percent increase in Federal Telecommunications System (FTS) Intercity costs. This increase was mainly due to unanticipated tariff increases. GSA cost estimates for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a thenty percent increase in FTS costs. This increase does not reflect additional use of FTS. The actual increase over the 1989 base availability is 24 percent. An increase of \$5,000 over the 1989 base of \$20,833 is requested.	8. General Pricing Level Adjustments. Inis request applies OMB pricing guidance as of June 23, 1988 to selected expense categories. The increased costs identified result from applying a factor of 2.7 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, fransportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1990 estimates.	Total mandatory increases	1. Mon-recurring costs - projects funded in 1989 Total non-policy decreases. Total, adjustments to base

Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

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	1988 Actual	ctual	1989 Estimate	imate	1990 Estimate	imate	Increase	Percense
Grades and salary ranges	Positions &	Amount	Positions & Morkyears	Amount	Positions & Morkyears	Amount	Positions & Amount	Amount
65/6H 14 \$48,592-63,172 65/6H 13 \$41,121-53,460 65-12 \$44,580-44,597 65-10 \$56,581-34 136 65-05 \$72,966-31,001 65-05 \$15,788-20,463 65-05 \$15,788-20,463	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		13 24 81 81 16 17 24 24		2014 109 2014 13 2014 13 14 15 16 16 16 16 16 16 16 16 16 16 16 16 16		11. 22. 28. 22. 17.	
Total Appropriated positions	137	\$4,283	181	\$6,091	292	\$8,826	18	\$2 735
Pay above stated annual rates	:4:	15 -1,025 -29			-50	-840	: ° ;	. : 9 8
Net full-time permanent	96	3,244	155	5,251	242	7,986	87	2,735
Average GS/GM salary Average GS/GM grade Average Salary of Ungraded Positions		\$32,010 11.6 30,050		\$34,159 11.6 30,318		\$34,081 11.6 31.561		

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Grade	in th
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	1988 Actual	ctual	1989 Ferimate	tiesto	1000 5:+ (mato	4	1	
Estimates by Program	Positions & Morkyears	Amount	Positions & Horkyears	Amount	Positions &	Amount	AUKTEASE/LEGGESER Positions & Mockyears	S. Amount
Personnel compensation; Full-time permanent Other than full-time permanent	96 •	\$3,244	155	\$5,251	542	\$7,986	83	\$2,735
11.5 Other personnel compensation	* ~	206	2	310	2	484	:	174
Total personnel compensation	701	3,567	157	5,561	244	8.470	83	2.909
Other objects: 12.0 Personnel benefits.		į					3	
		412		871 871		1,936 1,309		96 4 8
400		2,053 131		4,336 277		6,520 416		2,188 3
		27 85,684		57		86		562
		11,155		23,560		35,426		11,866
32.0 Land and Structures		18,912		39,943 148		60,961 223		1,508 20,118 75
Total oblinations								
	•	124,289		260,133		391,330		131.197
Recovery of Prior Year obligations		22 -71,819	**	-244,584	•	372 594		:
Total Description		244,584		372,594		382,596		
ordi kequirements		297,076		388,143		401,332		
Relation of Obligations to Outlays: Obligations incurred, net		124,289		60, 030				
Ubligated Balance, start-of-year		186,652		125,978		391,330 182,761		
Adjustments in unexpired accounts		-125,978 22		-182,761	•	257,131		
Outlays		184,985		203,350		316,960		

Federal Prison Industries, Incorporated Estimates for Fiscal Year 1990 Table of Contents

Federal Prison System Department of Justice

Summary Statement
Justification of Proposed Changes to the Appropriation Language
Summary of Requirements
Justification of Program and Performance
Summary of Charge

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Summery Statement

<u>Federal Prison Industries.</u> Incorporated

Fiscal Year 1990

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, for 1990, a total of 1,442 permanent positions and 1,404 workyears. This request represents an increase of 71 positions and 33 workyears from the revised 1999 level. Legislation has been passed by Congress to authorize the Corporation to borrow for capital improvements and expansion. In response to the unprecedented increase in Federal Inmate population - 45 percent since 1983 - the Federal Itson System has undertaken the largest capacity expansion program in its history. The Corporation has been able to keep pace with this growth over the past five years by expanding plant from retained earnings to permit a 97-percent increase in immate employment. As the growth in immate population accelerates over the next few years, the Corporation will require borrowing authority in order to expand plant to keep pace with new prisons planned to come "on tine" and provide industrial employment for an estimated 1,994 additional immates. The transfer of vocational training and performance pay to the Bureau of Prisons Salaries and Expenses appropriation is proposed to further enhance the expansion capability.

Federal Prison Industries, incorporated, was created by Congress in 1924 and is a wholly owned Government corporation. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4128). Supervision is provided by the Director of the Federal Prison System who has jurisdiction over all Federal penal and correctional institutions.

AGMINISTERIVE EXDENSE: A board of six directors, appointed by the President and serving without compensation, controls the policies of the Corporation. General management of the Corporation is presently performed by a staff of 29 employees located in Mashington, D.C. Expenses of this function are subject to Congressional Limitation.

Industrial manufacturing program - Approximately 18,674 inmates will be employed during 1990 in 48 locations in the manufacture of such items as furniture, clothing, electronics, metal and canvas products, and in service industries such as furniture refinishing and data processing. In 1990, an increase of 71 positions is requested to provide work for as many of the employable inmate population as is possible, open new factories and expand existing factories.

\$2,857,000

Federal Prison System

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federal Prison Industries, Incorporated

Justification of Proposed Language Changes

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. Hew language is underscored and deleted matter is enclosed in brackets.

federal Prison inchastries, incorporated

The Federal Prison Industries, incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, [including not to acceed \$20,000,000 in borrowing in fissal year 1996 from the Secretary of the Treasury as authorized in legislation exacted ausquant to this Act,) and to make such contracts and comiteents, without regard to fissal year limitations as provided by section 104 of the Government Corporation Control Act, as mended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of font to acceed five for replecement only) and hitre of passenger motor vehicles, (18 U.S.C. 4121-4128) Department of Justice Appropriation Act, 1989.)

LINITATION ON ADMINISTRATIVE TAND VOCATIONALL EXPENSES. FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to axceed (\$2,374,000,oof the funds of the composation shall be available for its abinistrative expenses (and not to axceed \$7,077,000 for the expenses of vocational training of prisoners, both amounts to be available) for services as authorized by U.S.C. 3109, leading to be compared on an accruat basis and to be determined in accordance with the composation's prescribed accounting system in effect on July 1, 1964, and such amount(s) shall be acclusive of depreciation, payment of claims, and appenditures which the said accounting system requires to be capitalized or charged to cost of compositions and the acquired or produced, including satiffing an ahighing expenses, and expenses in connection with acquisition, construction, paratitor, aninements, improvement, protection, or disposition of facilities and other property ballonging to the corporation or in which it has an interest. (Department of Justice Appropriation Act, 1989.)

Explanation of Changes

funding for vocational training expenses is proposed for transfer to the Bureau of Prisons' Salaries and expenses appropriation. This combines all inmate education programs in one appropriation and eliminates the profitability of Federal Prison industries as a determinant of the quality and quantity of vocational training programs. This action is necessary to finance fectory expensions to keep pace with population growth.

federal Prison System Federal Prison Industries, Incorporated

Summery of Requirements (Dollars in thousands)

\$ \$	1969 estimate of obligations 1/. Mandatory increases Decreases. 1990 base.										E : 커플	E. : 515,	14,659 14,659 -11,623 495,718
		1989 Estimated Obligations	t imated		881	1990 Base	ı	1990	1990. Estimete.	I	1	Incresse/ Decresse	
3	Estimates by budget ectivity	2 4	튁	1	204 204	۶	T	£ 2	뉙	1	F 2	4	M
÷	Administrative expenses	&	8	\$2,374	8	&	\$2,374	×	22	82,857	**	•	25
~	Vocational training expanse	ল ঃ	려:	729.5	18	1	1	12	12	1	1"	1.	35
	to Congressional	2	<u> </u>	5	•	8,	4 ,5	*	*	6	•	•	
'n.	Cost of production	1,245	1,245	1,245 344,647	1,245	1,245		1,410	1,372	-	165	127	31,74
÷.	Other expenses	.:	:	6,139	:	:	6,979	:	:	87,76	:	:	13,21
	Buildings and improvement	: 1	: 1	23,287	: 1	: 1	18,355 23,662	: 1	: 1	22,63	: 1	: 1	, 3 <u>1</u>
	Total	1,371	1,371	1,371 492,734	1,274	1,274	495,718	1,442	1,404	519,128	8	130	23,410
	Holiday/Overtime		2			÷			\$:	
	Workyeers		1,386			1,289			1,419			130	

1/ Current year estimates are revised from 1989 Congressional Budget to reflect actual workyear usage and increased sales projections.

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Inderal Prison System

Inderel Prison industries, incorporated

Austification of Program and Parformance

Activity Resource Eumery (Dollers in thousands)

	•	1989 Estimated	D S									
	٩	Missis	8		1990 84	1		1990 Eat	- Similar	٩	7,000.7	9C.000
Activity: Federal Prison	Pera.	3		Pera.	3	1	ë :	3	, maren	į	3	-
		1		į	#			4		1	1	
Administrative Expenses	2	2	82,374	&	&	82,374	2	2	\$2,857	-	~	24.83
Vocational Training Expanses	4	4	4,677	:	:	:	:	:	:	:	:	:
Industrial Operations:												
Cost of Production	1,245	1,245	344,647 1,245	1,245	1,245	350,301	-, 1,	1,410 1,372	362,041	<u>ş</u>	12 7	831,740
Other Expenses	:	:	99,139	:	:	100,979	:	:	87,76	፥	:	-13,214
Buildings and improvements	:	:	18,630	:	:	5 ,33	:	:	20,651	:	:	2,2%
Nachinery and Equipment	1	1	787.77	1	į	399727	1	1	10.2	1	1	377
Total	-, 37 -	1,37	165,734	1,274	1,274	495,718	1,442	4,	819,128	3	2	23,410

LOTE RECENT COLLI Employ the optimum number of inmates available for work in Industries so as to fulfill institutional meeds as well as the business discipline in the workpless.

Maior Objectives:

Operate 89 industrial factories and shope with insate labor that is productive and efficient.

Develop a work measurement aystem that will indicate the optimum number of inmates that can be productively employed.

Expand factory capacity to provide employment for the optimum number of inmates available for work based on work messurement studies.

Provide on the job training to 18,674 inmates in all inclustrial factories in 1990.

Sail products and services to other federal agencies at a profit consistent with the goal of remaining financially self-supporting.

Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.

Continue implementation of a fully automated management information system.

Continue to establish product development and testing centers.

Ž <u>Mass Program Description</u>: Federal Prison Industries, Inc., has been entirely self-sustaining. Revenues are primarity derived from the sale of products and services to other Federal equeles. Operating scenae are applied against these revenues, resulting income in constructions to the repid expansion of the Bureau of Prisons, it was necessary to request borcouring authority from the United Estate Treasury in fiscal year 1999. This authority will fund additional factory capacity, and therefore provide FPI the ability to employ more inmates. Federal Prison Industries addresses the problem of immate idieness by providing a full-time work program for the Federal immates population available for work. Nore than 50 percent of the immates do not have marketable skills. PPI provides a program of constructive industrial work to develop job skills and ecquire good work habits.

Institution fectories and shops are managed by civilian supervisors who train and oversee the work of inmates. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. The largest customers are the Department of Defense, Postal Service and General Services Administration. Institution Sectories manufacture as a furniture, clothing, electronics, matsi and exmes products, and provide such exceptions as data processing and furniture refinishing. Prices are usually established in negotiation with customer agencies at or near, but not exceeding, current market prices. A portion of the profits realized by these operations is reinvested to improve facilities, purchase new equipment, maintenin state-of-the art capability, and provide working capital.

To operate modern factories and shops and products that must meet Government specifications, requires axtensive inmate training because most of the inmates have had no previous training, experience to skills. Much of the meeded training accurs on the job, with civillan appervisors and expervisors and expervisors and starting and demonstrating the work to rewity assigned inmates. Where skills require more formal training, classroom instruction is provided. Production Training Units, which combine classroom and on the job training, offer an effective method of skill development. Also in operation are registered programs of apprenticeship approved by the U.s. Department of Laboria Bureau of Apprenticeship and Iraining and local unions.

faderal Prison Industries currently funds part of the total vocational training program, inmate accident compensation and Meritorious Service Awards for inmates. This budget submission elisinates FPI funding of both vocational training and Meritorious Service Awards for inmates while preserving the funding of inmate accident compensation due to earnings tosses and the subsequent need to borrow funds for construction meeds.

<u>Accordishments and Morkland</u>: Actual and estimated accomplishments for Federal Prison Industries are presented in the following table:

Estimetes 1989 1990	18,674
28	14,115 16,680 18,674 350,339,000 492,734,000 519,128,000
88 51	14,115
7861	14,161 306,754,381
Liter	Average Innate employment

S

Ita	7981	1896	2	1990	
e of Corporate earnings:					
Vocational training	6,775,562	7,571,000	4,677,000	••••••	
MSA (performence exerds, pay)	9,000,000	9,926,000	7,000,000	••••••	
Aceident compensation	273,000	\$00,000	200,000	510,000	
Retained earnings	5,024,000	11,500,000	15,000,000	20,650,000	
Mamber of about/factoring	2	2	K	S	

1700

During 1988, an average of 14,114 immates were amployed at 43 institutions in 72 factories. This represented 43 percent of the working immate population. Sales increased to 4350 milt(on with net income of 811.5 miltion allowing the Corporation melaning self-sufficiency in its industries constitons and increase funding of immate particles and self-sufficiency in its further the Corporate seed operating in a more efficant and productive aments. Product development centers attributed to new product lines allowing more immate to be employed in a variety of different jobs. The management information system use updated to provide the most current information or production capabilities to Corporate Management.

staff training programs continued for production planning, financial accounting, procurement and industrial aupervision.

Prost ag. Changes:		88	1990 Base	9	N COL	1990 Entimate Increase/Decress	T P	00/34F	50000	
	102	Ħ	Post III Amount Post III Amount Post III Amount	2	벍	Amount	ā	봌	Amount	
Industrial Namufacturing Program	1,274	1,274	817,248	1,442	, \$	8219,128	3	\$	823,410	
					;				į	

An incresse of 168 positions and 150 workyears will enable Federal Prison Industries to amploy 18,674 inmates, an incresse of 1,994. These resources will enable FPI to staff fectories and business offices at the new Federal Correctional Institutions at Fairton, Mij Jesup, GAJ Mineraville, PAJ and Three Rivers, TX.

Esderal Prison Braton Esderal Prison Industries, Incorporated

Summery of Change (Dollars in thousands)

1989 estimates as requested	. 4 E	1,371		
Adjustments to reflect fracese in projected sales	授	種	180,317	
ogram Transfers Cerversion of Vocational Training Positions to Burseu of Prisons				
Salaries and Expenses.	- 61	197	-4,677	
and Expenses.	拧	特	-11,677	
Mandatory Incresses:				
1989 full-year pay increase impact on 1980	:	:	% -	
EMPLOYEE CATO AND PEYFOLD BETVICES	:	:	2 §	
Federal Telecomunications System (FTS)	: :	: :	2	
lelechone service	:	:	ĸ	
General pricing level adjustment	•	:	11,929	
lealth benefits	1	1	7	
Total, mendatory increases	:	:	14,659	
erresses: federal Employees! Compensation Act	1	1	7	
fotal decreason	:	:	9	
1990 Base	1,274	1,274	495,718	
nas Changes Cost of Production	3	\$	31,740	
Buildings and laptovaments	: :	: :	2,236	
Other Expenses	: :	:	-13,214	
Administrative Expenses	1	1	9	
1990 Est Indie	1,442	1,404	\$19,128	

Mr. EARLY. The Committee is pleased to welcome back the Director of the Federal Prison System, Mr. J. Michael Quinlan. Mr. Quinlan, you may proceed with your statement in any manner you prefer.

OPENING STATEMENT

Mr. Quinlan. Thank you, Mr. Chairman.

I'd like to introduce Wade Houk, the Assistant Director for the Administration in the Bureau of Prisons, who's with me here

today.

I'm pleased to appear before you today to discuss the Federal Bureau of Prisons' 1990 budget request. Mr. Chairman, I have submitted a statement which I'd like to have submitted into the record. I'd like to briefly summarize it if I could.

Mr. Early. We will include your statement in its entirety, but I think this meeting is so important that I want to go into detail on

the questions.

Mr. Quinlan. Very good. Thank you, sir.

As you noted, we are requesting \$1.563 billion and 17,782 appropriated positions, increases of \$213 million and 2,320 positions over the 1989 levels. The majority of these increases are directed toward the continued expansion of the Federal prison capacity. It is essential that we expand capacity to keep pace with the projected growth in the inmate population and, at the same time, reduce the critical level of overcrowding in the Federal Prison System.

Mr. Chairman, the number of Federal inmates in the direct cus-

tody of the Bureau of Prisons is now 46,800.

Mr. EARLY. Excuse me, Mr. Quinlan, how many was that?

Mr. Quinlan. Forty-six thousand, eight hundred.

Mr. EARLY. Is that as of today?

Mr. QUINLAN. Just about, sir. On Monday morning it was about 46,780.

Mr. Early. Okay.

Mr. QUINLAN. The Federal inmate population has increased by over 28,150 or 98 percent in the past eight years, an unprecedented

rate of growth.

While it is impossible to predict future inmate population levels with precision, I believe we are in agreement that the number of Federal inmates will continue to increase. Our 1990 budget projects that the inmate population will increase to 56,400 in 1990, and will

reach at least 83,500 by 1995.

We firmly believe that current prison overcrowding, coupled with substantial growth in the future prison population will create a major crisis in the Federal criminal justice system unless we continue and accelerate our facilities expansion programs. As you know, Mr. Chairman, we have already made significant progress, increasing Federal prison capacity by more than 6,900 beds since 1981. With the continued support of Congress, including supplemental funding provided by the Anti-Drug Abuse Act of 1988 and enhancements from the Department's Assets Forfeiture Fund, funding is currently available to further expand prison capacity by 13,300 beds.

Despite this progress, currently funded capacity increases are clearly insufficient to meet both future population increases and future overcrowding. If no additional resources for prison construction were provided for 1990 and beyond, overcrowding would reach

90 percent by 1995.

Our 1990 budget requests \$360.6 million in funding for 7,845 new prison beds through the construction of two Federal Correctional Complexes; the expansion of seven existing institutions; a lease program for two Federal Correctional Institutions; the acquisition of surplus properties for conversion to minimum security facilities; and the construction of a Metropolitan Detention Center and two detention units at existing facilities.

The Correctional Complex is a new site and design approach that we are undertaking to help reduce prison construction costs, as well as future operating expenses. Under this approach, several correctional facilities of different security levels, for example, a maximum security penitentiary, a medium security Federal Correc-

tional Institution, and a minimum security Federal Prison Camp, would be constructed at one site. Also, the design capacity of the medium security correctional facility would be increased from the current level of about 500 to a capacity of approximately 900. This will be accomplished by initially designing two-thirds of the pris-

on's cells for two inmates each.

In addition to our plans to construct new prisons for sentenced offenders, the Bureau of Prisons continues to assist the U.S. Marshals Service in housing pre-trial detainees. We have developed close cooperation between both our agencies through joint planning

I want to assure you and the members of this Committee, that we will meet our mission in the most cost-effective manner possible. We continue to make maximum use of half-way houses, contract detention and other community options, and to expand capacity at existing institutions where possible. However, it is clear to me that public safety dictates that most of our expansion needs will require construction of new Federal prison facilities.

Another area of prison system expansion which has proved cost effective for us is the use of surplus military facilities. We will work closely with the military regarding potential base realignments and closures. In addition, the Department of Defense has recently shown increased receptivity to the concept of establishing Federal Prison Camps on active military bases. This is an important development, since this approach is a very cost-effective method of obtaining space for minimum security Federal offenders.

As construction of new prisons and housing units is completed, activation funding is required to open and operate the facilities. In 1990 we are requesting \$45.4 million and 634 positions to open a medium security Federal Correctional Institution at Three Rivers, Texas; five minimum security Federal Prison Camps; and newly constructed housing at six existing institutions. Taken together, these activations will bring 2,680 new prison beds on-line in 1990. Operating the Federal Prison System at more than 54 percent

over its design capacity without commensurate personnel increases has placed severe demands on staff. Prison overcrowding is commonly related to an increased potential for inmate idleness, inmate violence and inmate litigation. Insufficient staffing can seriously compromise the security of our Federal prisons, endangering life and property. Recognizing this, the President requested and Congress approved an additional 1,600 positions in 1989. Our 1990 request includes 1,500 positions and \$22.5 million to continue to improve staffing in critically understaffed programs for which workload has increased in direct proportion to increases in inmate population.

In addition, the 1990 budget includes a request of \$1.5 million to conduct a pilot prison privatization project by contracting with a private sector firm to house 250 short-term sentenced aliens. We believe that private detention companies may be a useful option for housing some specialized inmate populations.

FEDERAL PRISON INDUSTRIES

The next item in the 1990 request, Mr. Chairman, addresses the financial well-being of Federal Prison Industries, also known as UNICOR. As you know, Federal Prison Industries is not only a wholly-owned Government corporation, manufacturing and selling a variety of products to Federal agencies, it is also a correctional program vitally important to the effective management and operation of our prisons. The ability to keep increasing numbers of inmates employed and productive has been a critical factor in our ability to successfully manage prison overcrowding. In this context, it is essential that the Corporation remain financially solvent in the years ahead.

As the growth in inmate population continues, the Corporation, like any other business, cannot fund the required scale of physical plant expansion from retained earnings. This issue has partially been addressed in the approval of loan authority for the Corporation in the current fiscal year. To further insure the financial stability of Federal Prison Industries in the future, we are proposing the transfer of funding for vocational training expenses and inmate performance pay from the Federal Prison Industries account to the Salaries and Expenses appropriation in 1990.

A substantial portion of the vocational training expenses previously had been transferred from Federal Prison Industries to Salaries and Expenses with Congressional support and approval. Inmate performance pay, currently funded by the Corporation, is not for inmates employed by Federal Prison Industries but for payments to inmates who work in other prison areas such as food service and maintenance. In virtually every State correctional system, these types of expenses are paid from appropriated funds.

NATIONAL INSTITUTE OF CORRECTIONS

Finally, Mr. Chairman, I want to note that the National Institute of Corrections continues its role as an important force for improvements in State and local correctional agencies through its training and technical assistance services. The Institute's National Academy of Corrections has trained thousands of correctional officers and administrators from all over the Nation. The Institute has retained its effectiveness partly because it has remained small and is able to respond directly and promptly to State and local needs. For

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1990 we are requesting \$10,112,000 and 49 positions for the Insti-

tute.

That concludes my summary, Mr. Chairman. I'd be pleased to answer any question you or any members might have.

Thank you.

[The prepared statement of Mr. Quinlan follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF THE DIRECTOR, FEDERAL BUREAU OF PRISONS J. MICHAEL QUINLAN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss the Federal Bureau of Prisons' 1990 budget request. As you will note, our request totals \$1,563,998,000 and 17,782 appropriated positions, increases of \$213,839,000 and 2,320 positions above the 1989 levels. The majority of these increases are directed towards the continued expansion of Federal prison capacity. It is essential that we expand capacity to keep pace with the projected growth in the inmate population and, at the same time, reduce the critical level of overcrowding in the Federal Prison System.

Inmate Population Growth/Projections

Mr. Chairman, the number of Federal inmates in the direct custody of the Bureau of Prisons is now 46,800. The Federal inmate population has increased by over 23,150 inmates or 98 percent in the past eight years, an unprecedented rate of growth. This growth reflects the success of Federal law enforcement efforts, particularly those directed at drug trafficking. The number of Federal inmates incarcerated for drug offenses has been steadily rising. In 1981, 25 percent of the total Federal inmate

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population were drug offenders compared with 43 percent today. And the percentage continues to increase.

While it is impossible to predict future inmate population levels with precision, I believe we all are in agreement that the number of Federal inmates will continue to increase. Our 1990 budget projects that inmate population will increase to 56,400 in 1990 and will reach at least 83,500 by 1995. This revision from last year's projections takes into account our continuing assessment of the impact of the Anti-Drug Abuse Act of 1986. It also includes an estimate of the impact of the new sentencing guidelines developed through our close work with staff of the U.S. Sentencing Commission. We believe our population estimates continue to be relatively conservative.

Progress in Reducing Prison Overcrowding

We firmly believe that current prison overcrowding coupled with substantial growth in the future prison population will create a major crisis in the Federal criminal justice system unless we continue and accelerate our facilities expansion program. This potential crisis has been addressed directly by the Attorney General through the establishment of a prison capacity expansion plan which will reduce Federal prison overcrowding to 30 percent by 1995 under current inmate population projections.

As you know Mr. Chairman, we have already made significant progress, increasing Federal prison capacity by more than 6,900 beds since 1981. With the continued support of Congress including supplemental funding provided by the Anti-Drug Abuse Act of 1988 and enhancements from the Department's Assets Forfeiture Fund, funding is currently available to further expand capacity by 13,300 beds.

In 1988, the Bureau of Prisons activated the new Federal Correctional Institution at Marianna, Florida and completed construction of the Los Angeles Metropolitan Detention Center. Four Federal Correctional Institutions are currently under construction in New Jersey, Oregon, Georgia and Pennsylvania. Within the next several months, construction will begin on three more Federal Correctional Institutions in Pennsylvania, Texas and Kentucky. A site has been selected for a Federal Detention Center in Puerto Rico and sites are actively under consideration for Federal Correctional Institutions and Detention Centers in the northeast, southeast and south central United States.

Despite this progress, currently funded capacity increases are clearly insufficient to meet both future population increases and reduce overcrowding. If no additional resources for prison construction were provided for 1990 and beyond, overcrowding would reach 90 percent by

1995; a level of overcrowding entirely unacceptable in our criminal justice system.

Plans for Capacity Expansion in 1990

Our 1990 budget requests \$360.6 million in funding for 7,845 new prison beds through the construction of two Federal Correctional Complexes; the expansion of seven existing institutions; a lease program for two Federal Correctional Institutions; the acquisition of surplus properties for conversion to minimum security facilities; and the construction of a Metropolitan Detention Center and two detention units at existing facilities.

The Correctional "complex" is a new site and design approach that we are undertaking to help reduce prison construction costs as well as future operating expenses.

Under this approach, several correctional facilities of different security levels, for example, a maximum security U.S. Penitentiary, a medium security Federal Correctional Institution and a minimum security Federal Prison Camp, would be constructed at one site. Also, the design capacity of medium security Federal Correctional Institutions would be increased from the current level of about 500 to a capacity of approximately 900. This will be accomplished by initially designing two-thirds of the prison's cells for two inmates each.

Our experience over the past several years has demonstrated that the Bureau of Prisons can safely operate medium security prisons with a majority of the cells housing two inmates each. However, the Bureau of Prisons continues to believe that the design standard for maximum security prisons should be a single inmate in a single cell.

In addition to our plans to construct new prisons for sentenced offenders, the Bureau of Prisons continues to assist the U.S. Marshals Service in housing pre-trial detainees. We have developed close cooperation between both agencies through joint planning efforts.

The U.S. Marshals Service (USMS) first attempts to meet its detention responsibilities by contracting with local jails through the use of Intergovernmental Agreements and the Cooperative Agreement Program (CAP). The USMS has identified several geographic locations where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For these locations, the USMS has requested that the Bureau of Prisons provide detention facilities through the construction of new Metropolitan Detention Centers and expansion or establishment of detention units at existing Federal prisons. The Bureau of Prisons has revised its five-year facilities expansion plan to incorporate all such detention requirements identified by the USMS.

The Bureau of Prisons again seeks authority to test a prison leasing program in which private financing would be used to develop and construct prisons. The prisons would be leased to the Department on an annual basis and would be staffed and managed by the Bureau of Prisons. This alternative could reduce the outlays required in our expansion program over the next few years. For 1990, the Bureau of Prisons proposes a pilot test of the prison leasing concept for the development of two new Federal Correctional Institutions.

Cost Effective Approaches to Capacity Expansion

We recognize that the prison expansion program required to meet our objectives is an undertaking of substantial dimensions, in terms of both human and financial resources. It is equally clear that failure to achieve these objectives can result in greater prison overcrowding and could seriously jeopardize the lives and safety of Bureau of Prisons staff and inmates. This type of a crisis would invite court intervention and the establishment of prison population "caps", ultimately leading to a "gridlock" in the Federal criminal justice system. This scenario has occurred in several State correctional systems.

I want to assure you and the members of this Committee that we will meet our mission in the most cost-effective manner possible. We continue to make maximum use of half-way houses, contract detention and other community options, and to expand capacity at existing institutions where possible. However, it is clear to me that public safety dictates that most of our expansion needs will require construction of new Federal prison facilities.

The Bureau of Prisons has taken several actions to insure that new prison construction is as cost effective as possible. These actions include the use of Federal surplus property, the correctional "complex" approach, discussed earlier, and the use of already proven designs and new construction techniques. The design of Federal correctional facilities and use of new security technology are also responsible for prison staffing requirements that are less than occur in most correctional systems.

Another area of prison system expansion which has proved cost effective for us is the use of surplus military facilities. We will work closely with the military regarding potential base realignments and closures. In addition, the Department of Defense has recently shown increased receptivity to the concept of establishing Federal Prison Camps on active military bases. This is an important development since this approach is a very cost-effective

method of obtaining space for minimum security Federal offenders.

Salaries and Expenses

As construction of new prisons and housing units is completed, activation funding is required to open and operate the facilities. In 1990, we are requesting \$45.4 million and 634 positions to open a medium security Federal Correctional Institution at Three Rivers, Texas; five minimum security Federal Prison Camps; and newly constructed housing at six existing institutions. Taken together, these activations will bring 12,680 new prison beds on-line in 1990.

We are requesting \$24.5 million to support a projected increase of 6,022 in the inmate population in 1990, from 50,378 to 56,400. As I noted earlier, these estimates have been revised from last year to reflect our current assessment of the impact of the Anti-Drug Abuse Act of 1986 as well as the impact of the U.S. Sentencing Commission's new sentencing guidelines.

operating the Federal Prison System at more than 50 percent over its design capacity without commensurate personnel increases has placed severe demands on staff. Prison overcrowding is commonly related to an increased potential for inmate idleness, inmate violence and inmate

litigation. Insufficient staffing can seriously compromise the security of our Federal prisons, endangering life and property. Recognizing this, the President requested and the Congress approved an additional 1,600 positions in 1989. Our 1990 request includes 1,500 positions and \$22.5 million to continue to improve staffing in critically understaffed programs for which workload has increased in direct proportion to increases in inmate population.

The Bureau of Prisons continues to expand the use of contracts with State and local agencies for short term and special offender cases and with half-way house contractors. We are requesting an increase of \$7.2 million for State and local contracting and \$2 million for half-way houses to increase the average annual population in these programs by approximately 900 inmates.

In addition, the 1990 budget includes a request of \$1.5 million to conduct a "pilot" prison privatization project by contracting with a private sector firm to house 250 short-term sentenced aliens. We believe that private detention companies may be a useful option for housing some specialized inmate populations.

The next item of our 1990 request, Mr. Chairman, addresses the financial well being of Federal Prison Industries, Inc. (FPI). As you know, FPI is not only a

wholly-owned Government corporation, manufacturing and selling a variety of products to Federal agencies, it is also a correctional program vitally important to the effective management and operation of our prisons. The ability to keep increasing numbers of inmates employed and productive has been a critical factor in our ability to successfully manage prison overcrowding. In this context, it is essential that the Corporation remain financially solvent in the years ahead.

As the growth in inmate population continues, the Corporation, like any other business, cannot fund the required scale of physical plant expansion from retained earnings. This issue has partially been addressed in the approval of loan authority for the Corporation in the current fiscal year. To further insure the financial stability of Federal Prison Industries in the future, we are proposing the transfer of funding for vocational training expenses and inmate performance pay from the Federal Prison Industries account to the Salaries and Expenses appropriation in 1990.

A substantial portion of the vocational training expenses previously had been transferred from FPI to Salaries and Expenses with Congressional support and approval. Inmate performance pay, currently funded by the Corporation, is not for inmates employed by Federal Prison Industries but for payments to inmates who work in other prison areas such as

food service and maintenance. In virtually every State correctional system, these types of expenses are paid from appropriated funds. Approval of these transfers, which will increase Salaries and Expenses by \$16.7 million and 97 positions, will play an important role in maintaining the future financial soundness of the Corporation.

To complete our request for Salaries and Expenses, we are requesting \$3.2 million to finance increased use of SENTRY, our inmate management information system, due to the increased inmate population; and \$11 million to finance replacement equipment and inventory for the reactivation of the Atlanta Penitentiary and the Oakdale Federal Detention Center.

National Institute of Corrections

Finally, Mr. Chairman, I want to note that the National Institute of Corrections continues its role as an important force for improvements in State and local correctional agencies through its training and technical assistance services. The Institute's National Academy of Corrections has trained thousands of correctional officers and administrators from all over the nation. The Institute has retained its effectiveness partly because it has remained small and is able to respond directly and promptly to State

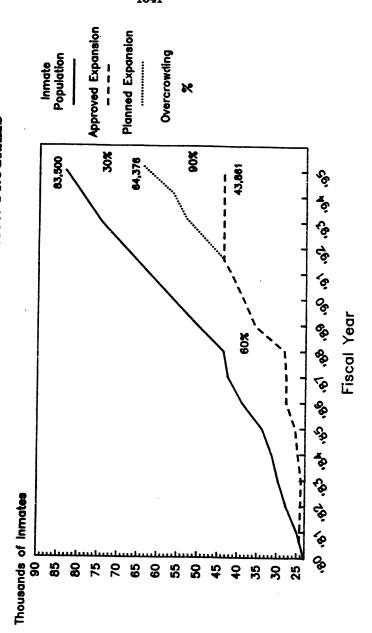
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and local needs. For 1990 we are requesting \$10,112,000 and 49 positions for the Institute.

This concludes my prepared statement Mr. Chairman and I would be pleased to answer any questions you or your colleagues may have.

FEDERAL BUREAU OF PRISONS COMPARISON OF PROJECTED INMATE POPULATIONS WITH APPROVED AND PLANNED EXPANSION PROGRAMS



PAROLE REVIEW AND SUPERVISION OF PAROLEES

Mr. EARLY. Mr. Quinlan, I have a lot of questions for you; we're going to be here a little while. I'm going to start for 10 minutes, then other Members can ask questions, and then I'll come back.

I want to pursue with you what I was just pursuing with the Chairman of the Parole Commission. I asked him, and I want to ask you as well, who will be responsible for the parole review and

supervision of parolees after 1992?

Mr. QUINLAN. Mr. Chairman, as I understand the statute, the Parole Commission has a responsibility to review all cases currently in the system before they are abolished in November, 1992. At that time, it is up to the courts to reduce any sentences or modify any parole revocation decisions that might be forthcoming.

Mr. Early. So when they're out on the street the courts, and the judges, will be responsible. The judges have been telling this Committee constantly how we keep expanding their responsibility. Never have we approached the magnitude of this. Do you think this added responsibility will be much of an increase for the judges,

or relatively little?

Mr. Quinlan. Well, I think that it certainly is something that needs to be addressed, Mr. Chairman. I think particularly in the early years, after the abolishment of the Commission, there will be a sizeable amount of work associated with just the parole revocation issue, and the amount of time those individuals will have to spend in incarceration. So, I would say it should be addressed, yes.

Mr. Early. Well, have you had any input with the judges? Have

you told the judges what they've got coming?

Mr. QUINLAN. I personally have not had an opportunity to address that issue with the judges.

Mr. EARLY. Have you had any input in this matter, as far as putting it under the supervision of the judges?

Mr. Quinlan. No, I have not.

HALFWAY HOUSES

Mr. Early. I was very critical of the Community Treatment Centers, as you overheard in my conversation with the Chairman of the Parole Commission. I think the public is being lied to. They're referred to as half-way houses.

What's your professional opinion of the half-way houses compared to the Federal Prison System?

Mr. Quinlan. The half-way houses used by the Federal Bureau of Prisons vary. There are some half-way houses that are extremely good, and there are some that are not so good. We have contracts with over 300 different privately operated half-way houses. Some of the half-way houses are run by volunteer agencies. Many have been run very successfully for years.

Mr. EARLY. Let's be more specific, Mr. Quinlan. You said you've

got 300 contracts with half-way houses.

Mr. Quinlan. Yes. Mr. Early. I personally think the quality of supervision provided in half-way houses has gone consistently down. I don't think there's any supervision in the majority of them now. I want your opinion. And it's going to be on the record.

Mr. Quinlan. Well, I wouldn't allow a contract with a CTC, or half-way house, that wasn't providing basic, minimal services and basic security.

What that means, Mr. Chairman, is that offenders are getting a suitable place to stay, support on job placement, and counseling if

they need it. But it's minimal.

Mr. EARLY. I want to talk to you about that. I don't agree with you on that.

I would agree that they get the minimum. They're getting a bed to sleep in.

Mr. Quinlan. Yes.

Mr. EARLY. Are you satisfied that they're getting some counseling?

Mr. QUINLAN. I am. There is staff in every contract facility that we do business with, Mr. Chairman, who assists in counseling.

Mr. Early. But I'm telling you that the ones that I have visited, and I've visited several of them, are not getting supervision at all.

Mr. Quinlan. Well, the supervision and counseling is minimal. But that's basically because we feel that this period of time in the half-way house, which is 90 to 120 days, sometimes up to 180 days before release, in the half-way house is really designed for the reintegration of the offender into the community, getting experience in a job, earning some resources, and getting reacquainted with the family. If there is an offender who has greater needs, then we would probably have to look for some other resource, because the half-way house is generally not intended to provide more than minimal services.

Mr. Early. Now you sound like an academic, Mr. Quinlan.

You're talking theory.

When we had a few half-way houses that was the way we wanted to do it, and that's the way we still want to do it. But it's not working any more. We are putting them in half-way houses just to free up beds for new prisoners, aren't we? You're contracting with 300 of them. How many were you contracting with 10 years ago?

Mr. Quinlan. Ten years ago we operated 11 Federal Correctional Treatment Centers and we had contracts with another 50 or so.

[Subsequent to the hearing, the following clarification was provided:

Before the decision to close Federal Community Treatment Centers was made in the early 1980's, there were 13 Community Treatment Centers in operation. They were located in Oakland, Los Angeles (2), Long Beach, Phoenix, Detroit, Chicago, Dallas, Kansas City, New York, Atlanta, Miami, and Houston.

In 1982, the number of contracts with Community Treatment Centers was 313. A

number of these contracts were never actually used to house offenders, but were retained to allow FPS maximum flexibility in the placement of inmates.

EVALUATION OF HALF-WAY HOUSES

Mr. Early. Okay.

When you were operating 11 of them, were they a different type of operation?

Mr. Quinlan. Yes.

Mr. EARLY. Were they much more secure?

Mr. Quinlan. No, I wouldn't say they were much more secure. They've always been in an urban, area where the inmates were able to leave to go to a job during the day and come back at night to relax, or sometimes go out on their own in the evening to get reacquainted with their family.

Mr. Early. Are they monitored? Is there any electronic monitor-

ing of them?

Mr. Quinlan. Not generally, Mr. Chairman, although that is something that is now being considered in some of the contract CTC programs, to provide additional supervision. But the supervision would intentionally be minimal because the prisoner is going to be released in a very short period of time. Very few of them leave and don't return to the half-way house during that 90 or 120 day period before release.

Mr. Early. I'd be surprised if any of them would leave. They're

not doing anything. They're not being supervised---

Mr. Quinlan. Some of them do leave.

Mr. Early. But don't some leave because they go back to drugs, or they go to alcohol? Isn't that what keeps them from coming back that night?

Mr. Quinlan. Well, there are frequent alcohol and drug tests to

make sure that that doesn't become a problem.

I don't mean to suggest to you, by my answer, that I agree that we should continue to put prisoners in community treatment centers—

Mr. EARLY. Well, I'm getting that impression from your comments; you think they're working.

Mr. Quinlan. I don't mean to give you that impression.

Mr. EARLY. Well, that's the impression that's going on the record.

ELECTRONIC MONITORING

Mr. Quinlan. I'm trying to be responsive to your question.

Mr. EARLY. Of the several inmates that are presently on electronic monitoring, every one of them, with no exceptions, told me that if they had a choice, they would take the half-way house.

Mr. Quinlan. Because it's less onerous.

Mr. EARLY. Because there's no supervision there.

Mr. Quinlan. That's what I mean.

Mr. EARLY. With electronic monitoring they're monitored 24 hours a day.

Mr. QUINLAN. That's right. Many of them feel they would be better off in prison.

Mr. EARLY. Every one of them said they'd be better off in prison.

Mr. Quinlan. I've heard that.

Mr. Chairman, I would like to clarify my position on this issue. For some time now I have advocated that up to 85 percent of the prisoners that are in half-way houses don't need to be there and could actually be under house arrest or some other kind of community program that isn't as expensive as a community treatment center. That's why we're supporting the Parole Commission and the Probation Service in piloting these electronic monitoring programs.

Mr. EARLY. Isn't the expense of half-way houses much more than electronic monitoring?

Mr. Quinlan. Absolutely. It's three to four times more expen-

Mr. EARLY. We're going to revisit that issue.

I also have trouble with your statement, as I did with the Attorney General's, with regard to the numbers.

PRISON POPULATION

We're going to reach your population projections very quickly. I think you should be leasing from municipalities, because I don't think you can bring new facilities on line as quickly as your statement says. You say the prison population is going to go-

Mr. QUINLAN [continuing]. We project that the prison population will reach to 56,400 by 1990.

Mr. Early. Which is less than 12 months away.

Mr. Quinlan. By the end of 1990.

Mr. Early.

But now you say by 1995 it's going to go to 83,500. I want you, for the record, to tell us what we're going to get to in 1991, 1992, 1993, and 1994. Because we won't have the facilities for them unless you change some policies and we start to tell the people the truth, and we begin to lease. We provided authority a couple of years ago to lease from municipalities, didn't we?

Mr. Quinlan. Yes.

[The information follows:]

PROJECTED PRISON POPULATION

The Bureau of Prisons population projections for the period 1991 through 1994 are as follows:

Year:	Inmate po	pulation
1991		62,450
1992		68,500
1998		74,500
1994	•	79,000

LEASING OF PRISONS

Mr. EARLY. Do you have any problem with that system?

Mr. Quinlan. I think that the idea of leasing prison facilities from private sector companies makes enormous sense and we have requested in this budget the authority to lease two facilities.

The problem with leasing from municipalities is generally, they

don't have adequate space for their own prisoners-

Mr. EARLY. But I thought they were going to build?

Mr. QUINLAN. Oh, there are some municipalities that have suggested that they would be the intermediary.

Mr. EARLY. We had the instance in Alaska-

Mr. Quinlan. That's correct.

Mr. EARLY. I can't think of a better place to build a prison.

Mr. REGULA. Will you yield? I just wanted a definition of municipalities. Do you include counties and States, or is that just in the narrow sense of cities only?

Mr. Early. Oh, no. It's counties, States—even if they cheated us, and overcharged us, we'd be giving the money back. I don't know why we don't have more of that.

Mr. QUINLAN. We'd like the opportunity to try this approach. However, we need the authority and last year we were turned

down in the Senate.

Mr. EARLY. All right. I know Mr. Hollings and I don't want to speak for him, and I don't want to put words on the record—but I believe he doesn't think the lease/purchase is good for the Federal Government. I might agree, if we're going to let the private companies make a ton of money. But a private individual is a little different from the State of Massachusetts or the city of New York. Those are entirely different things. I don't think you can get to these numbers with what we're going to give you.

PRISON CONSTRUCTION

In your statement, you have \$99 million, and you've got another \$88 million, and you're going to go roughly to \$390 million. You're going to get a very small increase percentage wise, but the percent-

age of inmates is going to increase drastically.

Mr. Quinlan. As I indicated in my statement, though, Mr. Chairman, we have already received funding from the Congress to build an additional 13,300 beds. Since we could operate at an overcrowding rate of about 30 percent, and we could put approximately 17,000 prisoners in the additional space provided.

Mr. EARLY. That's breaking the rules about what was always

said about—that you couldn't have any more than 500——
Mr. Quinlan. That was our goal.
Mr. Early. I was pleased with your statement when you said you

had put two people in a room.

Mr. QUINLAN. Seventy percent of the rooms in our new, medium security, Federal Correctional Institutions will be designed slightly larger to accommodate two prisoners.

Mr. EARLY. I'm really not to keen on how good their accommodations are. I'm concerned about the practicality of us being able to

meet our responsibilities.

Mr. Quinlan. I agree with you fully, Mr. Chairman.

Mr. EARLY. I'm going to yield to Mr. Regula.

LOCATION OF FEDERAL PRISONS

Mr. REGULA. Mr. Chairman, I have some questions for the

I know that you're building a couple of new prisons in Pennsylvania, and Pennsylvania already has a large number. My concern is that one of the keys of avoiding recidivism is family visits. And it would seem to me that it would be better planning to locate facilities such as in Ohio, where we have no Federal prisons and yet, I'm quite sure there are a substantial number of prisoners coming out of our State. What would be your response to that?

Mr. QUINLAN. Mr. Regula, we're actively considering those States

where we have no Federal facilities, in our expansion efforts.

One reason that a particular State may have several of our facilities is that those States showed interest during prior years when prisons weren't quite as popular. These communities were willing to get involved in prison construction, while other States were not interested. I think it's an accident of economic history as to which States got involved, but I certainly would be very interested in pur-

suing opportunities in Ohio.

Mr. Regula. Or any populous State. Of course, Illinois has, I think, what, two or three?

Mr. Quinlan. Currently we have two possibilities in Illinois, and

we're considering a third.

Mr. REGULA. I wonder if you would put in at this point in the record, a breakdown by State of the source of prisoners.

Mr. Quinlan. Absolutely. Mr. Regula. I think it would be useful information.

Mr. Quinlan. I'd be delighted to.

[The information follows:]

Inmates by State—as of February 24, 1989

State:	Inmates
Alabama	640
Alaska	129
Arizona	777
Arkansas	264
California	5,900
Colorado	1,155
Connecticut	324
Delaware	75
District of Columbia	2,176
Florida	5,478
Georgia	1,085
Hawaii	158
Idaho	61
Illinois	1,512
Indiana	541
Iowa	212
Kansas	229
Kentucky	493
Louisiana	595
Maine	118
Maryland	1.140
Massachusetts	469
Michigan	1,081
Minnesota	429
Mississippi	257
Missouri	905
Montana	103
Nebraska	149
Nevada	239
New Hampshire	52
New Jersey	808
New Mexico	360
New York	3,988
North Carolina	941
North Dakota	79
Ohio	1,004
Oklahoma	586
Oregon	416
Pennsylvania	1,231
Puerto Rico	473
Rhode Island	184
South Carolina	316
South Dakota	223
Tennessee	738

Texas	3.760
Utah	151
Vermont	49
Virginia	654
Washington	374
West Virginia	321
Wisconsin	357
Wyoming	53

Mr. Regula. I'm sure you agree that the closer you can get the family to the prisoner, in terms of both transportation access, as well as physical location, the more likely there is to be continued

Mr. Quinlan. Absolutely. I think it's very important.

Mr. Regula. It seems to be an important element in perhaps the recidivism problem.

USE OF MILITARY FACILITIES

Secondly, we have some 86 military bases scheduled for closing under the base closing. Have you contemplated the potential use of those land assets for the construction of prisons? I assume most of them are in rather large areas, so that you could isolate the fa-

cility

Mr. Quinlan. Absolutely, Congressman. The Bureau of Prisons has been working with the Department of Defense, even before the Base Closings Act became reality. We have already located several minimum security facilities on active bases. With the closure of several bases, as you say 86, we certainly are going to be actively pursuing the possibility of locating new facilities on land that was previously used by the military.

Mr. REGULA. Does it work out fairly well having Federal prisons

on military bases?

Mr. Quinlan. It works out extremely well. It's very cost effec-

Mr. REGULA. I would think so.

Mr. Quinlan. In fact, the most cost-effective prison that we operate is Eglin, because we do not have to provide supervision for the inmates during the day. The Air Force provides that supervision. In addition, construction costs are reduced, some of the quarters are former barracks and other buildings are made available for program requirements. The military provides, in some cases, other augmentations such as utilities.

LEASING SPACE FROM STATES

Mr. REGULA. Well, I noticed that you're asking for authority, I believe, to test leasing, and I know, for example, in Ohio they're going to build a new State prison. Would it seem to make sense in a state where there would be a new facility built that they would overbuild so that they could in turn lease to the Federal Bureau, and have a State and Federal facility together at one location?

Mr. Quinlan. The program you described has been used very effectively by the U.S. Marshals Service. They have through the Cooperative Agreement Program provided funding to the States to build larger jails, on a guarantee that the U.S. Marshals Service

will be able to lease a certain number of beds per year.

We have not used that same type of an arrangement.

Mr. REGULA. That would be for temporary incarceration, I would assume?

Mr. Quinlan. It would be short term. They generally expire at the end of a five or ten-year period. We have been looking for more long term solutions to our capacity problems.

Mr. REGULA. Yes, I understand, but you would be interested in

that type of arrangement?

Mr. Quinlan. Oh, absolutely. In fact, we're looking at co-locating Federal jails with local jails to reach some economies on training

and other functions.

Mr. Regula. Well, it would seem to me you could share utilities, and the transportation system which is necessary in many instances to get families there. It would be serving a larger base and therefore would probably be advantageous to both the local as well as the Federal entities.

Mr. Quinlan. And generally, we have found, Congressman, that those areas that have State prison facilities are more willing to consider Federal facilities, because they have found that having the prison in their neighborhood or community is a economic plus to them both in terms of the added Federal resources and the number of people that move into the area who require housing and other services.

Thank you, Mr. Chairman.

DRUG-RELATED OFFENSES

Mr. Early. Mr. Quinlan, will you provide for the record, or give us an idea now, if you know, what the prison population was, and is estimated to be in years 1960, 1970, 1980, 1990, for drug connected offenders.

Mr. Quinlan. I can be pretty accurate with regard to 1971, and 1980, and 1989, Mr. Chairman. In 1971, the number of offenders in the Federal Prison System who were serving drug-related offenses was sixteen percent. In 1980, it was 25 percent. In 1989 it's almost 44 percent.

Mr. Early. Do you have any projections?

Mr. QUINLAN. The projections that I have seen are pretty rough, but they would take us well over 50 percent in the next five years. [The information follows:]

DRUG-RELATED OFFENDERS

The average daily population for the Federal Prison System for the selected years requested and the percentage of drug-related offenders are as follows:

Fiscal year	Average daily population	Percentage of drug-related offenders
1960	22,604	17
1970	22,604 20,687	16
1980	23,918	23
1990 estimate	56,400	. 47

NEED FOR STUDIES

Mr. Early. I think it's going to be more dramatic. And I don't think we're giving you the resources to get ready for that, Mr. Quinlan.

Let me ask you this, do you think there's any issue related to

prisons that you haven't studied?

Mr. Quinlan. Well, we have studied a lot.

Mr. Early. Is there any area that you wouldn't be ready, if you had the money, to implement something or take action on an issue?

Mr. QUINLAN. No, we're fully prepared to act right now. We know pretty much what we want to do. We're looking at refining some things, but we pretty much know what our agenda should be and where we want to go.

ALTERNATIVES TO INCARCERATION

Mr. EARLY. Would you be comfortable implementing some of the new alternatives we've got, even though there's going to be some failures, and we acknowledge that?

Mr. QUINLAN. I certainly support community sanctions that

afford maximum protection to society.

Mr. Early. Wait a minute, because I want this for the record. Wouldn't those things, the protections you talk about, be more likely in that setting than under the current community service system?

Mr. QUINLAN. Are you talking about Community Treatment Cen-

ters?

Mr. EARLY. Yes.

Mr. Quinlan. I think in some circumstances there would be better utilization of resources and better public protection achieved through other programs.

Mr. Early. Fine.

In your justification, you state that without any new construction funding in 1990, you will have a deficit of 40,800 beds resulting in 90 percent overcrowding. Would you provide the committee with an explanation of all the programs the Bureau is studying. I want this in the record. And then, will you comment on what you implemented, which are alternatives to incarceration?

Mr. Quinlan. Sure, I'd be delighted to.

Mr. EARLY. For the record, indicate what alternatives you're studying.

Mr. Quinlan. Yes, Mr. Chairman.

[The information follows:]

ALTERNATIVES TO CONFINEMENT

The Federal Criminal Justice System has traditionally made extensive use of alternatives to confinement. In 1988, approximately two-thirds of the 125,500 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation. The Federal Prison System has also sought to expand alternatives to institutional confinement of prisoners. Since 1982, the community treatment center population was expanded by 2,650 offenders from 950 to 3,600. This increase has reduced significantly the potential institution-based population. In addition, during 1988, 1,200 offenders were placed on special curfew parole status and FPS implemented the limited use of electronic monitoring for those offenders who do not present a threat to society.

BOP FUNCTION IN DETERMINING ALTERNATIVES

Mr. Early. Tell me what you're implementing.

Mr. Quinlan. It should be emphasized, Mr. Chairman that the Bureau of Prisons serves the court. We do not make decisions as to who goes into alternatives to incarceration, such as probation. That's not our decision. We utilize what's commonly known as an alternative to institution confinement, the half-way house, at the tail end of an offender's sentence to reintegrate the offender into

society, and to help reduce overcrowding in prisons.

Over 50 percent of the Federal criminal justice offenders are under probation or some other alternative to incarceration. They never come into the Federal Prison System. There are other "alternatives" that might be considered by the Federal Criminal Justice System to enhance the likelihood that the courts would use those alternatives in lieu of sending an offender to prison. But the keys, Mr. Chairman, are the court and the Sentencing Commission, and their willingness to utilize those alternatives, and not sentence the person to incarceration. Once they're committed for the purpose of incarceration, our options are very limited.

Mr. EARLY. But if they don't send them to incarceration they make themselves vulnerable to criticism. And they don't want to

be criticized.

Did I interpret your remarks correctly, when you say that 50 percent don't go to prison?

Mr. Quinlan. Yes, sir.

Mr. EARLY. That isn't because you wouldn't want them, you

really wouldn't have the facilities for them, would you?

Mr. Quinlan. It's not primarily a question of capacity. We have never reached the point, Mr. Chairman, where we have had to advise the courts that we were unable to accept offenders that the courts believe require incarceration.

COURT INTERVENTION

Mr. EARLY. You haven't had any judges tell you to do something in any of your prisons because they're overcrowded? It's happen-

Mr. Quinlan. No we haven't but it has happened in 40 State correctional systems, Mr. Chairman. Those State facilities are operating under some sort of court-ordered population cap or other order regarding the conditions of confinement.

Mr. EARLY. What is the most overcrowded prison you have?

Mr. Quinlan. The most overcrowded, medium security prison that we operate is probably the Federal Correction Institution, Raybrook, New York, which is operating about 103 percent over design capacity.

Mr. EARLY. It's built for how many?

Mr. Quinlan. It was built for about 550. Mr. EARLY. How many do you have there?

Mr. Quinlan. We have about 1,100. Mr. Early. You don't think, if the media zeroed in on that and asked the judge about that specifically, that they'd tell the Prison Director to get them out of there?

Mr. Quinlan. Well, let me just say this. I'm not proud of the fact that the institution is operating that much over its design capacity. But, we operate the facilities in a humane and constitutional way, despite the overcrowding, and the key to that, in my view, is the fact that we require that every inmate who is medically qualified, have a job. So inmate idleness, unlike in several State and local jurisdictions, where they have not been quite as successful in keeping offenders busy. Inmate idleness is at a minimum in Federal institutions, even with 105 percent over capacity.

RECRUITMENT OF HEALTH CARE WORKERS

Mr. EARLY. Does the Bureau have any difficulty in recruiting health care workers?

Mr. Quinlan. In some areas we have a critical problem in employing people in the physician assistant and other health care areas.

Mr. Early. Are most of the health care professionals working in the institution doing payback service for the National Health Serv-

Mr. Quinian. Many are. I would say 50 percent of our physicians are paying back obligations to the National Health Service.

Mr. EARLY. Why don't you expand on the record with that?

Mr. Quinlan, I suppose it sounds as though I'm being critical of you, but I personally think due to you and your predecessor the Federal Bureau of Prisons is the best administered program we have.

[The information follows:]

RECRUITMENT OF HEALTH CARE WORKERS

The primary recruitment problems in the Bureau of Prisons are in three professional areas: physicians; physician assistants; and nurses. These three types of positions are difficult to recruit due to the fact that Federal salaries for these types of positions are lower than those in the private sector for comparable positions, working conditions in prisons are constrained and often threatening, and many Federal prisons are located in isolated geographical areas.

prisons are located in isolated geographical areas.

For physicians, the Physician Comparability Allowance (PCA) has helped ease the recruitment problem somewhat, but because of the tremendous growth in the Federal prison system in the past few years and the low rate of physician retention (particularly of obligated scholars), recruitment is still difficult for the Bureau. For physician assistants and nurses, non-competitive salaries appear to be the primary problem since pare appearability when the comparability is a series as a possible primary problem.

lem, since pay comparability authority does not exist for these positions.

Of the 98 physicians currently on-board, 53 are obligated scholars. In the next 24 months, nearly all (45 of the 53) of the on-board obligated scholars will be completing their service obligations. As you know, the National Health Services Corps program, which is managed by the Public Health Service, and from which we draw obligated scholars, has unfortunately been phased out. We are concerned about replacing this source of personnel and have been looking for other potential sources.

In an effort to help alleviate the progrationant problem, we have established a

In an effort to help alleviate the recruitment problem, we have established a system-wide recruitment office with particular emphasis on the recruitment of physicians, physician assistants and nurses.

PRISON POPULATIONS

Mr. Quinlan. Thank you.

Mr. EARLY. I don't think you're being totally honest, as far as looking to what's going to happen in the future. I think you're painting a rosy picture, rosier than I think it is. I don't think your

projections are on the high side given the addition of mandatory sentencing. Do you think those numbers are on the high side?

Mr. Quinlan. No, they're not. They're very conservative projections, because we don't want to come up to Congress and ask for more than will actually be needed.

PRISON BREAK-INS

Mr. EARLY. Mr. Quinlan, do you have any worries about potential break-ins at any prisons in order to get someone out?

Mr. Quinlan. I've constantly had concerns about that, Mr.

Chairman.

Mr. EARLY. I read the Attorney General's comment about the cartel with regards to Colombia and what's happening there. Now, the Justice Department has done a good job in locking up some cartel members. You know, the cartels have no reservations about money.

I think it is very probable it's going to happen. I think they're

going to break into one of your facilities to take someone out.

Mr. Quinlan. Well, what we do, Mr. Chairman, is attempt, through our inmate classification programs we attempt to keep the most violent, the most dangerous, the most risky offenders in the most secure facilities that we operate. Most of these offenders would be in a penitentiary. Some of them will be in a maximum security penitentiary like Marion, Illinois.

Mr. EARLY. Let's even take that facility, Mr. Quinlan. We read about people trying to get people out of prison by going in with hel-

icopters and taking them out. Are your prisons adequately staffed, your maximum security prisons, in your 11:00 to 7:00 shift?

Mr. Quinlan. No. That's one of the reasons that we have asked in this budget, Mr. Chairman, for additional staffing resources. Because during the last eight years particularly, our staffing ratios have deteriorated. We are particularly concerned on the morning watch, 11:00 p.m. to 7:00 in the morning, and in the evening when inmates are not on their jobs.

Mr. EARLY. I personally think you're going to have a break-in. I

don't think you're ready for it at all.

Mr. Quinlan. Well, I think we're as prepared as one can be

under the circumstances.

Mr. EARLY. Prepared as much as the budget will let you be prepared. These criminal minds are very good in their profession. It would be an entirely different thing—breaking in. There isn't any question that they have the animunition. Attorney General Thornburgh was talking the other day about the sophisticated weaponry they have, all the monitoring they have, and all the intelligence they have.

We saw what happened in Colombia—killing all those judges. I don't think our prisons are well staffed. I think you're going to

have some problems.

Mr. Quinlan. Well, I certainly hope that you're wrong, Mr.

Chairman.

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Mr. Early. That's what your budget tries to administer the program with, a lot of hope.

Mr. Quinlan. For the public's sake, I hope that we are successful, even with understaffing in certain critical areas, in protecting

Mr. Early. That's as good as what this budget will allow. But I don't think the budget has the foresight for what the problems are.

HALF-WAY HOUSES

Going back to the half-way houses, given the significant expansion of the Contract Confinement Program, how can we assure

strict supervision of the offenders in these locations?

Mr. Quinlan. This budget provides additional staff to increase attention in the area of monitoring the facilities that we contract with. We have proposed in this budget an increase in the number of community corrections managers, formerly called community program managers, of about 45 percent, from about 125 to about 165. The workload area has grown dramatically in the last eight years. In 1981 we only had about 2,600 prisoners in community treatment centers and other contract facilities. Today on an average day, we have 6,800 or 6,900. If we're successful with this budget in obtaining additional staff we will be able to improve security by monitoring each contract more closely and eliminating those that have security breakdowns.

Mr. Early. I don't think this approach is fair to you and Mr. Houk. You know, it's going to explode. How closely is the perform-

ance of the contract operators monitored?

Now, remember, Mr. Quinlan, you told us you had 11 of these facilities that you operated, now you're up to 300.

Mr. Quinlan. Yes, sir. Mr. Early. How well, in your professional opinion, are they monitored?

Mr. Quinlan. We look at the quality of supervision, safety, and programs provided. They're monitored on an every other year basis. And it's not-you're right. But it's probably not as frequent as it could be.

But the community corrections manager, has probably daily contact with that center through the placement and out-placement of new offenders. We make sure that questions are answered and, issues are addressed, in an effective and prompt way.

Mr. Early. What's the biggest half-way house you have?
Mr. Quinlan. I'd have to submit that for the record. I would think it's the facility in New York, but I cannot give you that off the top of head.

Mr. EARLY. For the record, supply how many staff are monitoring those people. I'm telling you they're not being monitored. I mean, they're being monitored to satisfy the applicant's request for the facility. But they're not being monitored to protect the people.

[The information follows:]

LARGEST COMMUNITY TREATMENT CENTER

The largest CTC we currently contract for is the Salvation Army, Chicago, Illinois. The current resident population of this CTC is 137. There are two facilities: a male CTC located at 13901 Lydia Street, Robbins, Illinois with 119 residents and a female CTC located at 1515 W. Monroe, Chicago, Illinois with 18 residents.

There are 28 staff for the male CTC for a ratio of 1 staff per 4.25 residents. There are 12 staff for the female CTC for a ratio of 1 staff per 1.5 residents.

USE OF MILITARY FACILITIES

Mr. Early. Mr. Regula brought up the Department of Defense base closings. I think Mr. Smith and this committee has, over the past fourteen years, pushed you in that direction. You didn't have to be pushed, but really put you in that direction, and it goes back to Ft. Dix, maybe 10 years ago. But you told Mr. Regula you're really analyzing that. Do you have any monies in this request to acquire any of those facilities?

Mr. Quinlan. We have \$10 million in the 1990 budget to move onto additional existing former military bases or other unutilized facilities. That may, if the base closings moves ahead, in the 1991 budget become a much larger number. Because we anticipate that that may provide to us some opportunities that will enable us to put facilities on line very quickly that would be needed to house a

variety of different security levels.

Our experience in the past, Mr. Chairman, has been to use the military facilities either active or deactivated, for minimum security prisoners. Forty percent of the Federal prison population are minimum security. So, we have a great need for minimum security beds. The military has assisted us greatly in this effort. We have negotiations going on now with the Army and with the Navy that we never had before.

SECURITY LEVEL NEEDS

Mr. Early. Do you expect that to change with more drug-related prisoners? Aren't you concerned that you're going to have to prob-

ably get more maximum security beds?

Mr. Quinlan. We're going to need both minimum and maximum security beds not only because of the recent emphasis in the drug area, but also because of sentencing guidelines. We expect that our population in the minimum security camps is going to grow dramatically because the sentencing guidelines prevent the court from putting prisoners on probation for certain offenses that commonly have been probation offenses. These prisoners will be coming to the Federal Bureau of Prisons for relatively short periods of time, six, or eight, or twelve months, and we would probably want to put those particular offenders in minimum custody facilities such as converted military bases.

We will also expand long-term facilities because the recent drug legislation is giving us offenders, and the guidelines are committing offenders for much longer periods of time. In fact, comparing the early statistics on sentences from the new guidelines on drug cases, with the average sentence of a drug offender under the old law, in-

dicates an increase of 170 percent.

Mr. Early. That's why I was a little surprised at your statement, because you say you need more minimum security facilities, but I think under the guidelines you're going to get people for a lot longer period of time.

Mr. Quinlan. Absolutely.

Mr. Early. And I think the risk gets a little greater when you put them in a minimum security facility where they're going to

stay at least six years.

Mr. Quinlan. We're absolutely going to have to provide additional secure bed spaces, but there's also going to be a need to provide additional minimum security space.

MIAMI FACILITY

Mr. Early. The Metropolitan Detention Center in Miami, don't you have one down there now?

Mr. Quinlan. We have a facility in Miami, Mr. Chairman, that

was built in the late 1970's for Federal offenders.

Mr. Early. How many inmates are in it now, today?

Mr. Quinlan. About a thousand.

The facility was designed as a correctional institution for sentenced offenders. We converted it into a Metropolitan Detention Center in the mid 1980's to assist the U.S. Marshals, who ran out of jail space. We're now at the point where we require additional capacity in Southern Florida and had requested in this budget to build a new Metropolitan Detention Center, and return the existing facility to its intended use.

Mr. Early. Okay.

Will you build it at the same location?

Mr. Quinlan. No, we're actually looking for a site closer to the courthouse so that the U.S. Marshals can—

Mr. EARLY. You don't want to get one on the ocean? Mr. Quinlan. No, sir. There will be no view. [Laughter.]

Mr. EARLY. On any of the numbers you give me, Mr. Quinlan, you can correct them for the record. If you say a thousand, and you find out that it was 1,200, you may change it. I think you give me whole numbers all the time.

Mr. Quinlan. No, sir. I don't intend to.

Mr. EARLY. How many do you have in Miami right now?

Mr. Quinlan. I can tell you as of Monday.

Mr. Early. Okay.

You just told me a thousand.

Mr. Quinlan. It's 998. [Laughter.]

Mr. EARLY. Well-

Mr. Quinlan. I stand corrected.

LEASING OF PRISONS

Mr. EARLY. Now, again you propose to initiate a program to lease prison facilities constructed with private resources, but staffed and managed by the Bureau of Prisons.

Mr. Quinlan. Yes, sir.

Mr. Early. You've already spoken to this, but do you think you resolved some of the differences that we had with the other body? I

think it's too big of a money maker. I don't think it will fly.

Mr. Quinlan. I think your idea, and the idea that the people in Alaska suggested is very viable. It offers some inducements to the Federal Government to consider in leasing when it might not otherwise have. Let me just add that from my limited exposure to the concept of leasing and from discussions with private entrepreneurs

who are interested in building and leasing prisons, the total cost is not that far out of line with what the cost would be if we built the facility ourselves. In fact, over a 20-year period, the increase would be somewhere in the range of 10 percent, not a year, but 10 percent overall for the 20-year period. And there are some financing arrangements, depending on interest rates, that actually would be comparable to the cost of the Federal Government building the prison itself.

Mr. Early. Being accurate, Mr. Quinlan, I think that's theory. I

don't think it's going to fly.

Mr. Quinlan. You know more about that than I do, but—

Mr. EARLY. I know politics, and it isn't going to fly. There's just too many people able to make too much money. If it's a city or a town, or a state, or a county, I think we can sell that. We don't have a problem with them making money.

Mr. Quinlan. I agree with you. I think that's a great idea.

Mr. EARLY. You haven't told me once you needed a study. And you don't have to study anything.

Mr. Quinlan. You're right.

Mr. EARLY. How many of the LEAA studies have you ever read?

Mr. Quinlan. I can't remember. [Laughter.]

Mr. EARLY. There are thousands of them, and I don't think anyone has read many of them. It was really a waste of taxpayers' money.

Mr. Quinlan. Can I submit that for the record? [Laughter.]

STAFFING INCREASE

Mr. Early. In Fiscal Year 1989 you requested \$32,881,000 for 1,602 positions to improve staffing level. How many positions were you able to staff within that amount actually appropriated?

Mr. Quinlan. We were given half year funding for the 1,602 positions, and we are well on our way to filling those positions. We are very grateful for those additional positions because they're filling some very critical voids in our institutions. We hope by midyear to have them all filled.

Mr. Early. In Fiscal Year 1990, you request \$22,500,000 to add 1,500 positions to again improve staffing levels in order to achieve a staff/inmate ratio of one to three by 1992. What is your current staffing ratio, what will it be if you receive these 1,500 positions, and how many positions must be added in 1991 and 1992 to achieve the goal?

Do you want to do that for the record?

Mr. Quinlan. Yes. In round figures we're about one to 3.4 today. [The information follows:]

STAFFING RATIOS

The current overall staff to inmate ratio is 1:3.4; this will improve to 1:3.3 with the increase requested, based on the projected inmate population in 1990. In addition to those positions to activate new institutions beyond 1990, approximately 3,000 additional positions will be required through 1995 to achieve the staff/inmate ratio of 1:3.

SPECIAL PAY RATES

Mr. EARLY. Mr. Quinlan, there are so many things that you haven't addressed in this budget. I'm sure it's because of OMB, but how are you staffing your facilities in New York and Los Angeles, and in the big cities. We had the FBI in here earlier today, and they're now paying almost a third more. Are you paying your staff a third more?

Mr. Quinlan. No, I wish we were.

Mr. EARLY. Is housing cheaper for your staff in New York than it

Mr. Quinlan. Absolutely not. We are paying our correctional officer staff \$3,500 more through a special pay authority.

Mr. EARLY. In every facility in New York?
Mr. QUINLAN. Yes, New York City, Otisville, New York, and Danbury, Connecticut, and three facilities in California.

Mr. EARLY. And are you satisfied that that's money well spent? Mr. Quinlan. Oh, it's very well spent. It allowed us to eliminate a severe vacancy problem in New York and in those other areas.

DRUG-RELATED OFFENDERS

Mr. Early. Mr. Carlson testified before this committee several times, saying that he had a grave reservation about the shift to drug connected inmates. They have so much money available to them that it is going to create many, many new problems, not maybe new, but more exaggerated than it was. Do you agree with

Mr. Quinlan. I do. In fact, as we have seen increases in our internal investigations, probably a 20 percent increase last year in internal investigations. And that's in part related not totally to just

corrupt staff, but it's related to a number of different issues.

They tie in, one, to the salary issue, and they tie in, two, to the fact that the offenders are getting more sophisticated and the drug resources are so great. Staff are many times tempted to get involved. And that's something that we're dealing with.

Mr. EARLY. It's the human element. I'm sure they bring them in

with little things at the beginning, a cup of coffee-

Mr. Quinlan. A piece of gum.

STAFFING INCREASE

Mr. Early. I don't think we've got the foresight for these problems in this budget.

Are these positions intended for maximum security facilities,

minimum security, or just an across-the-board increase?

Mr. QUINLAN. Well, they're intended to deal with the problem of overcrowding. And so overcrowding has affected our institutions across-the-board. In fact, in our medium security facilities, on the average, Mr. Chairman, are 92 percent over capacity. And the staffing positions that we are asking for would help reduce the stress on staff at all levels of the agency. And as you pointed out very accurately, the evening watch and the morning watch from like 11:00 or midnight to 8:00 a.m., or 7:00 a.m. in the morning, critical areas where we don't have satisfactory staffing levels. And that's what we're trying to do on an equitable basis is to assign additional resources as we receive them to relieve, one, the security issue, and number two, the areas where there's just not enough staff available to provide services that the inmates require, medical services, food service, vocational training, or whatever the service might be.

Mr. Early. So you say you're 92 percent in the minimum—

Mr. Quinlan. Yes.

TYPES OF OFFENDERS

Mr. Early. Do you have any murderers in any of those facilities?

Mr. Quinlan. Yes, we do.

Mr. EARLY. Do you have any rapists in any of those facilities?

Mr. Quinlan. There are very few Federal offenders convicted of rape.

Mr. EARLY. Yes, there would be more at the State level.

Mr. Quinlan. Yes, sir.

Mr. EARLY. So you have some real bad people in those facilities?

Mr. Quinlan. We have 43 percent drug offenders, approximately 25 percent are bank robbers, many of whom use violence and threats in robbing the bank——

Mr. Early. You don't have any from the S&Ls, do you?

Mr. Quinlan. Pardon me, sir?

Mr. EARLY. You don't have any from the S&Ls do you?

Mr. Quinlan. Not yet.

[Subsequent to the hearing, the following clarification was provided:]

In answering Mr. Early's question on the savings and loans, Mr. Quinlan was referring to the fact that there are presently no inmates in the Federal Prison System convicted of fraud as a result of the recent Financial Institutions Fraud Initiative. There are, of course, Federal prisoners convicted of fraud under other laws.

Mr. Early. We're not going to save any money by not giving you and your assistant the money to run these prisons better than you are.

Mr. Quinlan. I appreciate your support, and I agree with you.

ACTIVATIONS

Mr. Early. You identify an increase of \$45,379,000 for the activation of a number of new facilities in Fiscal Year 1990. Are these facilities still on schedule for activation?

Mr. Quinlan. As of right now, they are still on schedule. We hope to put all of those beds on the rolls of the Bureau of Prisons during the fiscal year.

Mr. Early. Okay.

And if not, they slip into 1991. Can any funds for activation be delayed until 1991? Why don't you provide for the record that

schedule with the monies?

Mr. Quinlan. Yes, I will provide it. It should be noted Mr. Chairman, that when we activate a facility, generally activate—the warden and other key staff actually report to that facility six or eight months prior to opening. So there may be some of—if it is slipped, we will get that information for the record, but it wouldn't

necessarily, even if the opening were delayed, it may still be that many of the staff have to be onsite prior to that fiscal year.

[The information follows:]

ACTIVATIONS

We believe the activation of the facilities requested are on schedule and will notify you as in the past if there is slippage.

CONTRACT CONFINEMENT

Mr. Early. Now, the \$10,642,000 to expand the Contract Confine-

ment Program, is that to reduce the overcrowding, or other?

Mr. Quinlan. It's a combination of things. One, for years we have used contract facilities, for juveniles, who must be separated from adult offenders as well as placed near their residence whenever possible. We also place Federal offenders who have been witnesses, and who cannot safely be kept in Federal Institutions or in State institutions. [Right now we have a contract with the State of Washington to hold approximately 800 Federal prisoners.] And we also contract offenders with short sentences who we don't have resources to hold.

We also use contract half-way houses to reduce overcrowding which 92 percent at our medium security facilities. So, we use contract facilities for a combination of reasons. The increase requested will allow us to keep up with the projected population during 1990.

Mr. EARLY. If you had the facilities, would you or would you not

use the half-way houses?

Mr. Quinlan. From what I know now, if we had the facilities we wouldn't use half-way houses at the level we currently use them.

Mr. Early. You just identified an increase in your staffing, and you identify an increase in the number of contracts in the juvenile facilities from 36 to 45, a 25 percent increase, while the number of juvenile days only goes up three percent. Why is that?

Mr. Quinlan. That's an anomaly because the number of juveniles actually hasn't increased, but we've been successful in locating more sites for them. We try to keep the juveniles as close to home as possible. And we've identified additional contracts to accomplish this. So the number, percentage-wise, is a number of new contracts, but the number of juveniles is pretty much the same.

Mr. EARLY. What's the average daily cost in a Federal facility

versus a contract facility?

Mr. Quinlan. Well, our 1988 cost was just shy of \$40 a day. Our average contract cost is probably about \$45 a day, although the half-way houses are only \$30 a day. Unfortunately, Congressman, high security prisoners cost us more money. For example, we can keep a prisoner at Eglin for \$6,300 a year, and at Marion it's \$23,000. And likewise, if we contract with a State, they're going to charge more for a high security prisoner. So the average is really misleading, and you have to really look at the kinds of prisoners we're putting out in the contract situation.

Mr. Early. Didn't the Bureau recently get criticized in 60 Min-

utes?

PUBLIC CRITICISM

Mr. Quinlan. I wouldn't necessarily say criticism, but we're constantly subjected to publicity by uninformed people, in my view, and the news media particularly, over what they conjure up in their mind as a country club, because it doesn't have a fence around it and the inmates get to use recreational facilities while

they're serving their term.

Our view is that all imprisonment is punishment. Our job is to keep the facility safe and secure, and to provide offenders with opportunities for using their time in a meaningful way. That includes work, and when they're off their job, recreation. The criticism that generally comes from the news media is generally focused on inmates playing basketball or baseball when some people might think they should be sitting in their cell, and I would disagree. It's very cost effective to keep prisoners in a minimum security facility where there are no cells, and the prisoners are allowed to spend the time constructively.

Mr. Early. They look at a particular situation that they say is

bad, but they don't give an alternative to them?

Mr. Quinlan. That's true.

Mr. EARLY. Those are the same people that don't want to raise revenues to meet the needs. And those are the same people that are talking about the Willie Horton tragedy; and you're going to get that type of thing.

Mr. Quinlan. I know that.

Mr. EARLY. And I'm not condoning that situation, as far as it was a bad choice. But, my goodness, you've got to be practical. People identify problems, but they don't identify alternatives.

Your budget does not do that, in this member's opinion. It will do it when something explodes, there going to say, why did they ever have them out there? How did they only have 25 people working at a maximum security facility at night, and none of them armed.

ATLANTA AND OAKDALE

You request \$5,260,000 for inventory and \$5,723,000 for equipment to reactivate the Atlanta and Oakdale facilities. When Oakdale is reactivated will it be to house all the Mariel Cubans in Federal custody, and if not, where will they be detained?

Mr. Quinlan. No, we will not be putting the Mariel Cubans back in Oakdale. I'm very proud to say that Oakdale has been reopened. It was rededicated late in 1988, and it's now operating with over

900 inmates.

The Mariel Cubans have been disbursed. In fact, out of 54 institutions that we currently operate, one half of them have Mariel Cubans in them. The majority of the Mariel Cubans are at Leavenworth. We have 384 Mariels at Leavenworth. And we have a substantial number at the Lewisburg, and at Terre Haute penitentiaries. The balance of the Mariels are kept at a variety of institutions across the country. But our intention is not to use either the Atlanta facility or the Oakdale facility, at this point, for Mariel Cubans.

Mr. EARLY. Are you satisfied with the rehab in those two facili-

ties?

Mr. QUINLAN. I'm very satisfied. The Oakdale facility is virtually complete, and the Atlanta facility is moving along very rapidly, and we now have over 900 inmates, in fact, in Atlanta.

Mr. Early. Fine.

PRISON FURLOUGHS

There was considerable publicity during the Presidential election campaign over the use of prison furloughs and the dangers prisoners on furlough pose to the public. Has the Bureau made any change in the criteria used to determine eligibility for furloughs or any other aspects of the furlough program because of this publici-

ty?

Mr. Quinlan. No, we have not. Mr. Chairman, the Bureau has been able to grant furloughs since the statute was enacted in 1963. During that period of time, 26 years, we have continuously renewed our policy and changed it when it needed to be changed. So it hasn't been a static document. But we have not changed it as a result of the publicity relating to Willie Horton. The reason we haven't is because we have always been very conservative in the way we've implemented the furlough statute.

Mr. Early. You've been conservative on most of the things as far as enforcement, except the half-way houses, in this member's opin-

What was the furlough escape rate for 1988, do you know off-

hand?

Mr. Quinlan. Yes, I do, because that's a subject that we get a lot of press on at this time, as you can imagine. In 1988 the escape rate was about 2.9 per thousand furloughs. That's down a little bit from 1987, when it was about 3.3 per thousand.

Let me just give you the numbers. During the course of 1988 we had 90,000 prisoners in our system at one time or another, theoretically eligible for furlough, We granted social furloughs to about 4,700 of those 90,000 prisoners. Only 4,700 of them qualified for a furlough under our policy. And 10 of the 4,700 escaped.

Mr. EARLY. How many of them escaped, would you know, or how

many got drunk or used drugs and then didn't come back?

Mr. Quinlan. We test 50 percent of the prisoners who go out on furloughs for drugs and alcohol. Actually 100 percent for alcohol, and 50 percent for drugs when they come back. And very, very few come back with positive urinalysis. One of the reasons is, they know that they will be denied participation in the furlough program in the future, and possibly the whole program will be in jeopardy for others if they're in violation. So it's really very useful and successfully self-policed, in a sense, by the inmates.

DRUG AND ALCOHOL ABUSE

Mr. Early. A substantial number of prisoners have substance abuse problems. How many Federal prisoners have a drug or alco-

hol abuse problem?

Mr. Quinlan. Well, that's another issue that we hear a lot about. It's interesting, Congressman, I mentioned to you that we have almost 44 percent of our prisoners who are serving terms for drug offenses. Records show that 40 percent of prisoners in the Federal

Prison System have moderate to serious substance abuse problems, which means they're in need of some kind of treatment, either during the incarceration, or during the period just after incarceration.

It is interesting because the 40 percent who have abuse problems are different, to an extent, than the 44 percent who are drug dealers. Many times the drug dealer, the drug offender, does not use drugs and has never used drugs.

Mr. EARLY. Well, I think he's the one I want to penalize a lot more. I have more problems with him than a guy that's addicted.

Mr. Quinlan. That's right. Mr. Early. But, again, that's only my opinion.

Mr. Quinlan. I agree with you.

Mr. EARLY. I think the ones that are addicted are much more of

a problem for you than the one that is in it for just money.

Mr. Quinlan. Well, it's a problem for us because we would like to be able to provide those individuals with programs that are going to be meaningful. That's something that we're working on and hope in the future years to be able to accomplish and tie into our release program. You're probably not going to appreciate this after your comments on community treatment centers, but I think that the best drug abuse programs exist in the community where the offender is among his peers. If he or she is not subjected to the same pressures that are going to affect them when they're not under anybody's supervision, then the program is not going to be successful.

So, we're gearing our resources and our energies to making sure that during that six-month period just prior to release that the prisoner be in a facility that's close to home, and has an intensive drug treatment program. The research from the National Institute of Drug Abuse and others, shows that is the most effective utiliza-

tion of drug treatment dollars.

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Mr. EARLY. Now, Mr. Quinlan, your back to being an academic. That is theory, that wasn't possible when you only had 24,000 prisoners. It becomes less probable, in my opinion, as you get up to 44,000, and less probably when you get up to 53,000, and not probable at all when you get to 90,000. Because you double up in the beds. That's going to make it less practical. We're not giving you enough people to be able to break this out. We're not being honest.

We're taking a route to get reelected, not a route to address

these problems.

Mr. Quinlan. I agree that these are serious problems and they require resources, and we are going to utilize the resources we have the most effective and efficient way we can. And I agree with you that the numbers that we see coming down the pike, especially the percentage of prisoners who have drug and substance abuse problems don't look good. The problem is probably greater than our combined abilities to deal with it considering budget constraints. But we're going to try to do an effective job and revisit standards for community corrections that will give us the justification, in my mind, to come back to you next year, for 1992 budget, and say we are convinced that this works, and we want to multiply it many fold, because we think these people need to be helped.

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Mr. EARLY. But in the real world, we have government by referendum today.

Mr. Quinlan. Yes.

PRISON FUNDING

Mr. Early. If we had a referendum on how many taxpayers want to spend more or less on prisons, it would come back 90/10 to spend less on prisons. That would be if we had the referendum beforehand. But if we had it after some problem it would be 99 to one. They would say why didn't they do something about that. And that's when we're going to start doing something about it. This sentencing is wonderful political rhetoric. We're going to put them in for a longer time, but the truth is we've got to get more out. And I know I can't win by saying that. To me the worst thing you could do to people is house arrest, 100 percent house arrest. I think it would be much harder to have 100 percent arrest. I think the supervision and the cost would go down drastically. You'd be subject to a whole lot of criticism because it would probably be just the white-collar crime people, and you could only do it with the ones that would have a house to go to, so they'd be the more affluent.

But it would be an alternative to get a couple thousand people out of prison. There'd be little acceptance of it, but I think it's something you're going to have to consider.

Mr. QUINLAN. I think from the research that I've read, that we're seeing a tremendous growth in this country on acceptability of house arrest or electronic monitoring programs. I believe that if we continue to expand at a reasonable rate, the public will come to understand that this is a sanction that has punitive aspects to it, that it makes sense, and that it's cost effective.

Mr. EARLY. That's a political opinion which I don't think you're too good at. I'm good at it though. The public is not going to accept that. When some tragedy occurs, that's when it will probably fly. We don't want to let anybody out, and I don't want to let them out,

but these numbers aren't going to work?

That's why we're having such a long hearing. It's got to be on record that you know the problems and you're aware of them, and

it's OMB that won't give us the money. OMB is going to pay for it.

Mr. QUINLAN. Well, I don't think it's a question of——

Mr. EARLY. I know you don't think it is, but I think it is. I know you're the witness, but OMB is going to be responsible when there's a break-in in a prison, and there aren't enough staff people there. OMB is going to be the one that says that was the way you save money. But it's not; our business is foresight, not hindsight. I told you how well I thought the Bureau's been run, but it's also been easier for you than the state prisons. The state prisons have a different type of offender. You're going to get them now. You're getting them with the drug offenders. And we're not making the adjustments for it, Mr. Quinlan.

We're doing away with the Parole Commission. That's one of the alternatives, to put the least threatening people out on the street. I'm going to take a lot of criticism. Every time I chair a Bureau of Prisons hearing, I hear from all the inmates and everyone else. But it's going to be on record as far as what's going to happen, because it's inevitable. As the capacity increases we're going to get further away from compassion and treatment, and rehabilitation.

RECIDIVISM

What was your recidivism rate in 1970?

Mr. Quinlan. The recidivism rate has basically been about 40 percent after three years.

Mr. EARLY. It's been that high?
Mr. QUINLAN, It's been that high

Mr. QUINLAN. It's been that high.
Mr. EARLY. I thought I heard testimony before that it was less than that.

Mr. Quinlan. Well, if it's been less, it's only been slightly less. Mr. Early. I think the white collar crime, there isn't as much. But why don't you provide it for 1960, 1970, 1980.

Mr. Quinlan. Absolutely.

Mr. EARLY. And again, don't spend too much money getting the numbers.

Mr. Quinlan. We can provide them very easily. We have that data. It's already been studied. [Laughter.]

Mr. EARLY. I think the recidivism rate is going to escalate unbelievably.

[The information follows:]

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RECIDIVISM

The recidivism rate is not available for 1960. However, a sample of 903 inmates released in 1956 were followed for two years. Recidivism was defined as returned to prison as a parole violator or recipion and new sentence for a felony or felony-like offence. The recidivism rate for this general two 24 respects.

offense. The recidivism rate for this sample was 34 percent.

The definition of recidivism was changed for those samples that followed in 1970 and later. The new definition includes all released inmates who were later arrested or issued a parole warrant. Under this definition, a sample of 1,806 inmates released in 1970 were followed for two years. The recidivism rate for this sample was 43.7 percent. A sample of 489 inmates released in 1980 were followed for two years with a resulting recidivism rate of 30.5 percent.

EXPANSION OF EXISTING FACILITIES

Mr. QUINLAN. Let me, if I could make one statement.

Mr. EARLY. You're not done yet, you're going to discuss with me a little more the new bed capacity.

In your statement you said a lot of money was going to go to the current facilities and expand our capacity by doing something.

Mr. QUINLAN. Yes, what we're doing is adding new housing units

Mr. Quinlan. Yes, what we're doing is adding new housing units at those facilities where there is the land available. But only if another housing unit can be supported by the core facilities, such as food service, medical services and other program areas. This is a very inexpensive way to deal with the overcrowding problem.

We're also asking for additional camp facilities at existing institutions. The added camp facilities will give us additional bed space for minimum security and allow the warden to utilize minimum security inmates from the camp for required work details outside the perimeter of the main facility. Medium custody prisoners require greater supervision to work outside the perimeter.

Mr. EARLY. I don't think that's theory. I think that's the real world. I think if you expand facilities where they are now, the

neighborhoods aren't that opposed to them. But I really think what you're doing in that direction is practical. It's the right way to go.

NEW RESPONSIBILITIES OF JUDGES

Do you deal much with judges?

Mr. Quinlan. Some. Not a great deal, but I do have some contact

with judges.

Mr. EARLY. How practical would it be if I asked you to contact 15 judges, randomly, and ask them if they know that they're responsible for the supervision of prisoners in 1992? Ask them a couple of basic questions.

Mr. Quinlan. Sure.

Mr. EARLY. Ask them if they know they're going to get the supervision, and whether they're ready for it. And also ask them if they have the personnel to handle it.

Mr. QUINLAN. All right, sure. I'd be delighted. Mr. EARLY. Would you please?

Mr. Quinlan. Yes.

PROFESSIONALISM OF PRISON STAFF

Mr. Early. It's been a long hearing, and I have a lot more ques-

tions but I'm going to put them in the record.

Mr. Quinlan, I hope I'm wrong. I just think the prisons are going to get much more difficult. I don't think we're taking a practical approach to it. And it's going to be on record that we're not. I hope I'm wrong.

I do think the Federal Bureau of Prisons is the best Federal

agency we've got.

Mr. QUINLAN. I agree with you, and I would like to just state for the record also that, we greatly appreciate the support of this committee, and your particular support for our efforts in dealing with the overcrowding problem as well as other problems that we face in the Federal Prison System.

And I particularly wanted to comment on your concern about the security of some of our high level prisoners. One of the things that we are most proud of in the Federal Prisons is the fact that our staff, on a daily basis, deal with those kinds of issues without the staff of the complaint, with a great deal of professionalism, and get very little thanks for it. I would like to publicly state that the staff of the Bureau of Prisons make it work. While we would certainly appreciate more resources, I would not want you to think there will be mass security problems because of the lack of staffing. Even without increased staffing, we have been able to deal with security concerns in a professional way.

Mr. EARLY. What I was pleased with in your answer, Mr. Quinlan, is that historically it's been inmates breaking out. I'm convinced they're going to break in. And your answer was that you're aware of that. But it's going to happen, and boy, then we'll have

problems.

Mr. Quinlan. Yes, sir.

Mr. Early. With that we're going to conclude this part of the hearing. Thank you, Mr. Quinlan.
Mr. Quinlan. Thank you very much.
[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Federal Prison System

Buildings and Facilities

QUESTION: Would you briefly explain to the Committee the various sources of funding you received for Buildings and Pacilities for FY 1989 and the number and types of facilities you were able to fund and how many additional beds this equates to?

ANSWER: There are three sources of funding for the Buildings and Facilities appropriation during FY 1989. First, the Department of Justice Appropriation Act, 1989 provided \$203.7 million. Of this amount, \$131,650,000 will provide an additional 1,950 beds through the construction of a new Federal Correctional Institution in the Southeast; a Metropolitan Detention Center in the Northeast; and new housing at five existing prisons.

Second, the 1989 Anti-Drug Abuse Supplemental provided \$95.6 million, which allows us to increase capacity by 2,050 beds. We plan to construct a Northeast Federal Correctional Institution and expand five existing facilities.

Third, the Bureau anticipates a transfer of \$88.9 from the Assets Forfeiture Fund. Of this amount, \$60 million is for the construction of a 1,160 bed Federal Correctional Institution in the south central region.

QUESTION: You request \$360 million to further expand prison capacity by 7,845 beds. With the addition of those beds, what will be the projected rate of overcrowding by the time they are activated?

ANSWER: With the additional 7,845 beds requested in 1990, we project the overcrowding rate will be 61 percent by 1995. We would need an additional 12,670 beds during the period of 1991 through 1993 to achieve our stated goal of reducing overcrowding to 30 percent by 1995.

Prison Populations/Overcrowding

QUESTION: You estimate your overcrowding to be an average of 60 percent systemwide. I understand your concerns over security, but do the highest rates of overcrowding occur at lower level security facilities while the lowest rates of overcrowding occur at your maximum security facilities? Does this situation reduce somewhat the safety and security concerns? For the record, please provide, by level of security, the systemwide rate of overcrowding.

ANSWER: As a matter of fact, overcrowding is greatest in our medium security facilities. Inmates housed in medium security facilities typically have lengthy offense histories and present substantial security and safety

concerns. The chart below lists overcrowding by facility security levels as of February 28, 1989:

Security Level	Overcrowding %
Minimum Security Level 1	42
Medium Security Level 2	70
Medium Security Level 3	93
Medium Security Level 4	82
High Security Level 5	28
Maximum Security Level 6	-3
Alternative High Security Level	5/6 24

QUESTION: In FY 1990, you request \$22,500,000 to add 1,500 positions to again improve staffing levels in order to achieve a staff/inmate ratio of 1:3 by 1992. What is your current staffing ratio; what will it be if you receive these 1,500 positions and how many positions must be added in 1991 and 1992 to achieve your goal?

ANSWER: The current overall staff to inmate ratio is 1:3.4; this would improve to 1:3.3 with the increase requested, based on the projected inmate population in 1990. In addition to those positions to activate new institutions beyond 1990, approximately 3,000 additional positions will be required through 1995 to achieve the staff/inmate ratio of 1:3.

QUESTION: If Congress is unable to fund your entire request for improved staffing, what would be the impact?

ANSWER: The Bureau's basic method for managing prison overcrowding has been to distribute, equitably, the overcrowding systemwide. Hence, staffing shortages occur in all institutions and all security levels. Additional positions would be allotted among all institutions proportionate to needs and requirements. We believe that overcrowding where prisons are inadequately staffed presents serious security risks. Overcrowding has placed severe demands on staff. Turnover rates are increasing as a result of these job pressures culminating in "burnout". We believe that failure to raise staffing to adequate levels increases the level of risks, further compromising security and threatening life and safety.

QUESTION: If Congress were to add funds to improve staffing levels only at higher security facilities, how many positions and dollars would you require?

ANSWER: We would strongly urge that the Congress not impose a constraint limiting increased staffing only to higher security facilities. Obviously, security considerations are a key component in the Bureau's position allocation process and will continue to be. But the point

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made earlier is that all security level institutions are understaffed and the Bureau is best able to determine position allocations based on the most current information available at the time of decision.

Activating New Facilities

QUESTION: You identify 2,680 inmate beds associated with new facility activations. Are these the number of beds that the facility was designed for or what you actually plan to utilise?

ANSWER: These are the number of beds that the facilities were designed to house. We plan to operate the facilities at a substantially higher level to spread out system-wide overcrowding.

National Institute of Corrections

QUESTION: In the conference report accompanying your FY 1989 Appropriations Act, the conferees urged the National Institute of Corrections to consider a collaborative effort with the Martin Luther King, Jr. Center for Monviolent Social Change to make a training program for Federal correctional officers in nonviolent conflict resolution available to State and local correctional systems. What is the status-of-this effort?

ANSWER: As you probably know, Raymond C. Brown, former Director of the National Institute of Corrections, recently retired. The collaborative effort urged in the Conference Report is currently an active agenda item on which the National Institute of Corrections is reviewing and will fully and officially report.

Contract Confinement

QUESTION: I understand your need for additional administrative support because of the increase in contract confinement contracts and populations, but don't you believe a 42 percent increase in management staff is a little excessive at a time of severe budgetary constraint?

ANSWER: We do not believe this increase in Community Programs Management staff is excessive considering the emphasis on alternatives to institution confinement and the resulting workload increases.

The average daily population for contract confinement has increased from 2,804 in 1981 to an estimated 6,868 (145 percent increase) in 1989. The staffing level for contract confinement has actually decreased from 133 in 1981 to 125 (6 percent decrease) in 1989.

Inmate Training and Performance Pay

QUESTION: You request an increase of \$8 million to transfer vocational training expenses for inmates from the

The table was presentative to make the party of the first territory and the

Federal Prison Industries (FPI) to the Salaries and Expenses appropriation. Since FPI operations are intended to be fully functional businesses, should not all the costs associated with those businesses, including vocational training of inmate employees, be borne by that business and reflected in the prices charged for the products?

ANSWER: Virtually all of the vocational training financed by the limitation is unrelated to Federal Prison Industries' industrial operations and provides inmates training and skills in other vocational areas. Most of the training for industries jobs involves on-the-job training.

QUESTION: You also requested \$8,744,000 for Inmate Performance Pay to pay for work performed by inmates who work in non-FPI prison areas. Does the work performed by these inmates replace work that would otherwise be performed by FPS employees?

ANSWER: No. The jobs covered by performance pay, e.g., food service and maintenance work, have traditionally been performed by inmates.

QUESTION: Instead of providing performance pay to these inmates, could not a system be devised wherein inmates are assigned these details as a punishment for rule infraction or could not the payment be in the form of privileges not available to other inmates?

ANSWER: The inmate performance pay system has been a successful system that provides pay (11 cents to 38 cents per hour) for inmates to purchase personal items as well as meet their financial obligations for court-ordered restitutions, special assessments, fines, court costs, and other debts owed the Government. This program has been quite successful with over \$9.5 million collected in 1988. We believe the Bureau already has adequate and effective sanctions in place for those inmates involved in rules infractions, etc.

Reactivate Atlanta/Oakdale

QUESTION: Did the Congress not provide appropriations in FY 1989 for equipment for these facilities?

ANSWER: In FY 1989, the Congress provided \$4.2 million to replace only Federal Prison Industry equipment destroyed during the disturbances. As noted in our 1988 supplemental request, an additional \$10,983,000 would be required for equipment and inventory to coincide with the reactivation of the two facilities.

QUESTION: How many beds will these reactivations restore to the system?

ANSWER: After reactivation, Atlanta will add back 479 beds bringing its rated capacity to 1,000 beds. Oakdale, which is now fully activated, has a rated capacity of 650 beds.

Federal Prison Industries Borrowing Authority

QUESTION: Last year the committee included language providing Federal Prison Industries (FPI) with borrowing authority up to \$20 million subject to enactment of authorising legislation. What is the status of this authorization?

ANSWER: Authorizing legislation may be found in Section 7093 of the Anti-Drug Abuse Act of 1988. Federal Prison Industries fully intends to use its borrowing authority this year and is working out the transaction details with the Federal Financing Bank.

QUESTION: You have recommended elimination of this borrowing authority language for FY 1990, is it no longer required?

ANSWER: We have not recommended elimination of this borrowing authority (permanent authority) in 1990. If the proposed transfer of the vocational training expenses limitation and inmate performance pay are approved, the Corporation will not need to borrow in 1990. The Corporation is expected to require loans in years beyond 1990.

Furloughs

QUESTION: Were the 1987 and 1988 escapees charged with any crimes while free and were any citizens physically harmed by these escapes?

ANSWER: We are not aware of any citizen being physically harmed or any new criminal conduct by these escapees. Apprehension of Federal escapees is the responsibility of the U.S. Marshals Service, and data are maintained on these apprehensions. However, the Service does not maintain information on further crimes committed by the fugitives.

QUESTION: How does the Bureau's furlough escape rate compare to rates experienced by state prison systems?

ANSWER: In August 1988, Contact, Inc. completed a Stateby-State survey of State furlough and temporary release programs including the number of furloughs successfully completed. The rate of successful completion ranges from 60 percent to 100 percent. The Bureau of Prisons' overall rate of 97.1 percent compares favorably with these figures.

Drug Rehabilitation Programs

QUESTION: How do you identify prisoners with a substance abuse problem?

ANSWER: Substance abuse problems are identified in the classification process, a series of inmate interviews and evaluations conducted by professional staff, including but not limited to, clinical psychologists. In addition, urine surveillance programs assist in identifying inmates with substance abuse problems.

As of February 16, 1989, inmates reported the following substance abuse profile histories during the classification process. Approximately 35 percent of our inmate population has a current or prior history of alcohol abuse. Narcotics abuse is reported by 40 percent of the inmate population, marijuana abuse by 44 percent, pyschostimulants abuse by 20 percent, hallucinogens abuse by 15 percent, and barbiturates abuse by 14 percent. Many offenders report abuse of more than one of these substances.

QUESTION: What treatment is provided substance abuse prisoners and how do you determine whether treatment programs are effective?

ANSWER: Bureau of Prisons policy requires the establishment of chemical abuse programs at each institution. Participation is voluntary and open to all inmates. Drug education is the primary emphasis in the chemical abuse programs.

Furloughs

QUESTION: How many Federal inmates were granted furloughs in each of the past four years? How does this number compare with the number of inmates that applied for a furlough? If possible, provide for the record (in percentages) an indication of the type of crime the furloughed inmates had committed.

ANSWER: The information for the past two years (1987 and 1988) is provided in the following charts. The information for 1985 and 1986 is not readily available, but can be retrieved within 30 days, if required by the Subcommittee.

During 1987, 14,868 inmates were granted furloughs and in 1988, 14,584 inmates were granted furloughs. We do not have data available on the number of inmates who applied for furloughs, and therefore, cannot make a comparison. It should be emphasized that under the existing program, an inmate must be within two years of a firm release date, must have community custody (the lowest custody classification level), and must have demonstrated responsibility and good institution adjustment. We will continue to closely monitor the furlough program as we have since its inception to assure public safety.

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Federal Bureau of Prisons Furlough Statistics Table 1 Irmates Granted Social Furloughs* in 1987, by Offerse

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Offerse.	1987 Total Population	Trimates Granted Furloughs	Furlough Escapes	Escape Rate Per 100 Irmates Furlouthed
		-		
Drug, Liquor	23,306	2,682	ო	ਜ਼
Extortion, Fraud, Bribery	6,475	806	e	.33
Property	8,675	403	4	66.
White Collar	1,869	245	:	:
Robbery	9,266	181	:	:
Firearms Violations	3,359	172	:	:
Obstructing Justice.	1,042	23	:	:
Immigration	5,440	22	~1	4.76
Manslaughter/Negligent Homicide/Homicide	1,403	ส	:	:
Sex Offenses	684	77/	:	:
Other Crimes Against Persons	2,038	ູເດ	:	:
Civil Rights	75	∞	:	:
National Security.	136	9	:	:
Miscellaneous	1,199	512/	:	:
Unsentenced:	19,235	٩	1	4
TOTAL	84,202	4,755	#	.23

*Social furloughs include all authorized unescorted absences from the institution, except those for legal, medical, program or transfer purposes. They may be approved for bona fide family emergencies, to establish or strengthen family ties, or to facilitate reintegration into the community.

1) These seven irmates include two offenders serving sentences for rape.

2) The miscellaneous category includes individuals convicted for such offerses as: minor crimes committed on a Government reservation, minor crimes committed in the District of Columbia, food and drug violations (misbranding drugs), accessory after the fact, superseding criminal information, use of a teleghone in the commission of a felony; also, witness security cases are included in this category.

Drug, Lidgor 23,306 168 1* .55 Extortion, Fraud, Bribery 6,475 75 .48 Property 1,869 16 .22 White Collar 9,266 22 .22 Firearms Violations 3,359 20 .44 .4 Inmigration 1,042 4 .4 .4 Inmigration 1,042 4 .4 .4 Managuation 1,042 4 .4 .4 Sex offenses 2,038 9 .64 .1 Other Crimes Against Persons 2,038 .9 .1 Civil Rights 75 .3 .1 Wistonia Security 1,199 4 Unsertioned 1,199 4 TOTAL 107AL	Offerae	1987 Total Population	Irmates Granted Furloughs	Furlough Escapes	Escap Rate 1 100 h
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8,675 48 1,869 16 9,266 22 3,359 20 1,042 4 6 1,403 4 6 1,403 4 75 3 1,199 4 1,199 4 1,199 4	Extortion, Fraud, Bribery	6,475	75	:	:
1,869 16 9,266 22 3,359 20 1,042 4 4 5,440 16 1,403 4 4 75 3 3 1,199 4 1,199 4	Property	8,675	48	:	
9,266 22 1,042 4 1,042 4 1,403 4 684 1 2,038 9 75 3 1,199 4 1,199 4 1,199 4 1,199 4 1,199 4	White Collar	1,869	16	:	:
2, 35.359 20 1,042 4 5,440 16 2,038 9 75 3 1,139 4 1,2235 84,202 391	Robbery	9,266	22	:	:
1,042 4 5,440 16 6,440 16 2,038 9 75 3 1,139 4 1,129 4 84,202 391	Firearms Violations	3,359	50	:	:
cide 1,403 16 684 1 2,038 9 75 3 136 1 1,199 4 84,202 391 1	Obstructing Justice.	1,042	4	:	:
cide 1,403 4 2,038 9 75 3 136 1 1,199 4 19,235 44	Danigration	5,440	16	:	:
2,038 9 75 3 136 1 1,199 4 19,235 4	Manslaughter/Negligent Homicide/Homicide	1,403	4	:	:
2,038 9 75 3 136 1 1,199 4 19,235 84,202 391 11	Sex Offerses	684	-	:	:
75 3 136 1 1,199 4 19,235 44	Other Crimes Against Persons	2,038	6	:	:
1, 1,199 4 19,235 84,202 391 1	Civil Rights	75	e	:	:
1,199 4 19,235 84,202 391 1	National Security.	136	-1	:	:
	Miscellaneous.	1,199	4	:	:
	Unsentenced	19,235	1	***	+
	TOTAL	84,202	391	H	Ċ.

al Bureau of Prisons Furlough Statistics	immates Granted Furloughs in 1987,
Table 3	for Transfer Purposes*, by Offense
Federal Bur	Irmata for D

		Irmates		racape Rate Per
	1987 Total	Granted	Furlough	100 Irmates
Offense	Population	Furlouchs	Escapes	Purloughed
Drug, Liquor	23,306	4,160	80	.19
Extortion, Fraud, Bribery	6,475	1,529		.07
Property	8,675	1,462	10	8.
White Collar	1,869	434	-1	.33
Robberty.	9,266	941	91	1.06
Firearms Violations	3,359	581	~	.34
Obstructing Justice.	1,042	146	-	8.
Immigration	5,440	119	:	:
Manslaughter/Negligent Homicide/Homicide	1,403	23	:	:
Sex Offerses	684	34	:	:
Other Crimes Against Persons	2,038	717	-1	-89
Civil Rights	75	14	:	:
National Security.	136	ដ	~	7.69
Miscellaneous	1,199	124	8	1.61
Unserterced.	19,235	444	7	7
TOTAL	84,202	9,722	37	8°.

*Furloughs for transfer purposes allow an inmate to move unescorted from one official location to another, usually from a minimum security institution to a halfway house. The restrictions are more severe than those imposed for social or other furloughs, requiring the use of specific means of travel, adherence to a travel schedule that provides only the time for the transfer, prohibiting travel to any point other than the receiving institution, and monitoring by both the sending and receiving facilities. Furlough transfers cost less than more restrictive means of prisoner transportation, enhance the timelines of transfers, and prevent overcrowding of holdover points. For 98 percent of this group, the destination was a halfway house.

Federal Bureau of Prisons Purlough Statistics Table 1 Inmates Granted Social Purloughs in 1988, by Offerse

Offense	1988 Total Population	Irmetes Granted Furlands	Purlough Escapes	Rate Per 100 Irmstes Purloughed
Drug, Liquor	28,208	2,697	60	.30
Extortion, Fraud, Bribery	8,046	925	:	:
Property	9,276	349	7	.57
White Collar	2,132	508	:	:
Robbery.	9,896	166	:	:
Firearms Violations	3,913	138	:	:
Obstructing Justice	1,097	.67	:	:
Immigration	5,777	23	:	:
Manslaughter/Negligent Homicide/Homicide	1,431	σ,	:	:
Sex Offenses	748	~	:	:
Other Crimes Against Persons	2,197	10	:	:
Civil Rights	81	ьo	:	:
National Security.	152	c	:	:
Miscellaneous.	1,316	23*	:	:
Unsentenced	15,738	1	‡ :	‡8
TOTAL	90,06	4,010	3	77.

"The miscellaneous category includes individuals cornicted for such offerses as: minor crimes committed on a Government reservation, minor crimes committed in the District of Columbia, food and drug violations (misbranding drugs), accessory after the fact, superseding criminal information, use of a taleghore in the commission of a felony; also, witness security cases are included in this category.

offense .	1988 Total Population	Inmates Granted Furloughs	Furlough	Rate Pe 100 In
Drug. Lifetion	28,208	188	:	:
Extortion, Fraud, Bribery,	8,046	87	:	:
Property	9,276	41	:	:
White Collar	2,132	21	:	:
Robberty	968,6	39	:	:
Pirearms Violations.	3,913	2	:	:
Obstructing Justice.	1,097	v	:	:
Tumioration	5,777	®	:	:
Manslanchter/Negligent Homicide/Homicide	1,431	7	:	:
Sex Offenses	748	ស	:	:
Other Crimes Against Persons	2,197	∞	:	:
Civil Rights	81	-	:	:
National Security.	152	7	:	:
Miscellaneous.	1,316	m	:	:
Unsentenced	15,738	ျ	1	1
TOTAL	800,06	440	:	:

Federal Bureau of Prisons Furlough Statistics
Table 3
Irmates Granted Furloughs in 1988,
For Transfer Purposes, by Offense

		•		Dames
		Irmates		Rate Per
,	1988 Total	Granted	Furlough	100 Irmstes
Offense	Population	Purloughs	Escapes	Furloughed
Drug, Liquor	28,208	4,354	œ	18
Extortion, Fraud, Bribery	8,046	1,520	· m	200
Property	9,276	1,318	4	9
White Collar	2,132	416		.24
Robbery.	968'6	888	0	1.00
Firearms Violations	3,913	517	•	1.16
stice.	1,097	137	:	:
Immigration	5,777	104	-	96
Manslaughter/Negligent Homicide/Homicide	1,431	4	' :	
Sex Offenses	748	23		
Crimes 7	2,197	115	-	.87
Civil Rights	. 81	7	•	: :
	152	ដ		
	1,316	20	:	
Unsentremoed.	15,738	-	• • •	
TOTAL	90,00	9,534	ន	33

Adult Basic Education Program

QUESTION: According to the figures provided on page 21 of your justification, the number of inmates completing adult basic education programs is awfully low. Why is this? Is it because the program is a mandatory program?

ANSWER: No, it is not because the program is mandatory, but as the following chart indicates, the number of involuntary withdrawals are included in the final totals:

Enrollments	17,614	
Withdrawals	7,309	
Voluntary	(3,749)	
Involuntary	(3,560)	
Completed	8,462	
Remained in program	1,843	

Involuntary withdrawals include inmates who are released before they complete the program, inmates who are involved

in court proceedings for an extended period of time and have to withdraw from class, and inmates who transfer to other institutions. The latter are counted as withdrawals and new enrollments in the receiving institutions.

These figures indicate that only 3,749 inmates, or 21 percent opted out of the mandatory ABE program. While we hope to reduce this figure, we do not consider it to be unusually high or unacceptable, at this time.

Cost of Proposed 1990 Pay Raise

QUESTION: What will the cost of the proposed 1990 pay raise of 2 percent be for the Bureau? What would the cost be if it was 3.6 percent? If you are mandated to absorb this cost in FY 90 how much of a burden would this be?

ANSWER: The cost of a 2 percent pay raise in 1990 for the Federal Prison System would be about \$11.7 million and a 3.6 percent pay raise would cost about \$20.6 million.

If we are mandated to absorb this cost, we will probably be forced to reduce our contract confinement program. It would be difficult to reduce staff or cut other mandatory inmate programs such as food service or medical at a time when the Federal Prison System is 54 percent overcrowded. The only discretionary program is contract confinement. Of course, this would further increase our institution-based population and thus increase the level of overcrowding.

Special Pay Rates

QUESTION: What impact is the "special pay rates" provision having on your recruitment and retention

problems? For the record provide a brief description of the special pay rates provision and indicate which positions are affected by it.

ANSWER: The special pay rates provision is having a positive impact on recruitment and retention. Institutions with coverage under one or more special salary rates report that they are now more competitive with local employers and have seen an increase in responses to recruitment efforts. In addition, they are able to be more selective in placement efforts due to the quantity and quality of applicants increasing since the inception of the special salary rates. Also, turnover rates have been reduced significantly, thereby reducing the amount of money spent for training, recruiting and overtime.

One negative impact of the special salary rates provision has been the inability to use the Highest Previous Rate (HPR) upon reassignment from a special salary rate. This has caused Correctional Officer participation in career moves across occupational lines to decrease dramatically. This inability to use the HPR has reduced the ability of the agency to entice motivated employees to cross occupational lines to enter other shortage positions.

Section 301(a) of Executive Order 11721 of May 23, 1973, as amended, authorizes the Office of Personnel Management (OPM) to exercise the authority conferred upon the President by the provisions of section 5303 of Title 5, United States Code, to establish and revise special minimum pay rates and ranges. Through the use of prescribed OPM regulations, the Bureau of Prisons has been granted the use of several special salary rate tables as reported in Federal Personnel Manual 990-2, Chapter 530.

The positions affected by the special salary rates are:

Correctional Officer Secretary/Clerk Nurse Legal Technician Medical Officer Architect Civil Engineer Industrial Engineer Accountant

Correctional "Complex"

QUESTION: Describe the new "complex design" concept for prison construction.

ANSWER: Under the correctional "complex" approach, several separate correctional facilities of different security levels, for example, a maximum security U.S. Penitentiary (550 beds), a medium security Federal Correctional Institution (910 beds) and a minimum security Federal Camp (500 beds), would be constructed at one site.

The design capacity of the medium security facility will be increased from the current level of approximately 500 to a capacity of over 900. This will be accomplished by modestly increasing the cell size and initially designing two-thirds of the prison cells for two inmates each. The Bureau of Prisons continues to believe that the design standard for maximum security prisons should be a single inmate in a single cell. We believe this new site and design approach will help reduce prison construction costs as well as future operating expenses.

Leasing Privately Constructed Facilities

QUESTION: Can you give us an estimate of how much more expensive it will be to privately construct facilities and then lease them back?

ANSWER: A program of leasing prisons from the private sector combined with direct Federal appropriations for construction can substantially reduce the outlays required in the Bureau of Prisons' expansion program over the next few years. This approach also supports the twin goals of increasing prison capacity and working toward deficit reduction within the time frames of Gramm-Rudman-Hollings.

We understand that lease agreements similar to the ones we propose generally result in an increase in cost of approximately ten percent over an annual lease period of twenty years. Under certain favorable financial market conditions, the lease cost potentially could be lower. The actual cost differential would not be known until proposals are received by the Government.

FY 1990 Priority Listing of New Construction and Expansion Projects

QUESTION: Provide for the record a priority listing of new construction and expansion projects for FY 1990, in case the committee cannot meet your request of \$401 million.

ANSWER: Our 1990 request of 7,845 is only 38 percent of the 20,515 additional beds required during the period 1990 through 1995 to reduce prison overcrowding to 30 percent. If all the 7,845 beds requested were approved, the Federal Prison System would still be 61 percent overcrowded in 1995. In light of this, we believe it would be ineffectual to prioritize the FY 1990 capacity request.

QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

Federal Prison System

Salaries and Expenses Appropriation

QUESTION: The FY 1990 request includes mandatory increases totalling \$142,314,000 in the Salaries and Expenses appropriation.

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Briefly provide a description of the program or activity and the reason for increases in the following areas:

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- Full-field investigations
- Back pay awards Security Reinvestigations
- Physicians Comparability Allowance

ANSWER:

-Full-field investigations. The Office of Personnel Management (OPM) has notified users of an average 11.5 percent increase in the standard rate charged for various types of full-field investigations. An increase of \$341,000 will be required in 1990.

-Back pay awards (Lanehart vs Horner - U.S. Court of Appeals). This U.S. Court of Appeals' decision provides revised overtime pay entitlements for certain groups of employees under the Fair Labor Standards Act (FLSA). OPM determined that the following three additional groups of employees that receive compensation for overtime work on a customary and regular basis be included: (1) non-firefighters in receipt of premium pay for stand-by duty; (2) those eligible for administratively uncontrollable overtime payments; and (3) those receiving overtime pay for regularly scheduled overtime.

-Security reinvestigations. The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases, and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the nation's security. The Office of Personnel Management, Federal Personnel Manual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every five years. By 1990, the Department will require 7,109 employees to be reinvestigated in each of the next five years to address the existing backlog. Requested resources will provide for only 2,300 cases per year. An increase of \$260,000 will be required in 1990.

-Physicians Comparability Allowance. This provides resources for an estimated 18 physicians, who through length of service, will exceed two years of creditable service and qualify for an increased bonus of \$6,000, service and qualify for an increased bonus of \$6,000, above the \$14,000 they currently receive, for a mandatory increase of \$108,000. Furthermore, approximately 26 physicians who are not currently board certified, will become board certified during the year and qualify for an additional \$2,000 apiece, for a total of \$52,000 for board certification. The total mandatory increase then is the aggregate of the \$108,000 for length of service and the \$52,000 for board certification for a total mandatory increase of \$160,000.

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Leasing of Pacilities

QUESTION: The Bureau of Prisons has requested approval of a proposal involving the leasing of facilities to house two Federal Correctional Institutions.

- a. Could you please provide additional details on this proposal?
- b. To what extent does your five-year Capacity Expansion Plan rely on approval of this proposal?
- c. Have you examined similar projects in the various States? Are they finding this approach an effective one?

ANSWER: While there are variations in leasing approaches, the Bureau's current plan is to use a site adapted design for each of the two facilities. A prospectus would be made public requesting proposals for furnishing, financing and construction services. The successful bidder would complete construction of the facility with his/her own resources and lease the facility to the Bureau on an annual basis. The Bureau would staff and manage the facility.

A program of leasing prisons from the private sector combined with direct Federal appropriations for construction can substantially reduce the outlays required in the Bureau of Prisons' expansion program over the next few years. This approach also supports the gcal of deficit reduction within the time frames of Gramm-Rudman-Hollings.

Included in our five year capacity expansion plan and requested in the 1990 budget are two leased facilities which will add 1,160 beds. If disapproved, we would require an additional \$60 to \$70 million to construct facilities with a similar capacity.

FPS is aware of the fact that the States of California and Missouri have used different forms of prison leasing with some success.

Additional Staff Positions

QUESTION: The FY 1990 request proposes an increase of \$22.5 million to fund an additional 1,500 prison staff positions.

- a. Could you explain the need for this increase, and approximately how long will it take to fill these positions once funded?
- b. What kinds of increases do you anticipate requesting in future years to achieve your staff-to-inmate ratio goal of 1:3?

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c. To what extent is your staffing request influenced by the revised overcrowding goal in the Capital Expansion Plan?

ANSWER: We believe that overcrowding in prisons that are inadequately staffed presents serious security risks. Overcrowding has placed severe demands on staff. Turnover rates are increasing as a result of these job pressures culminating in "burnout". We believe that failure to raise staffing to adequate levels increases the level of risks, further compromising security and threatening life and safety.

The Bureau of Prisons requested half-year funding for the 1,500 positions and based on past recruiting efforts we should have no problem filling all the positions by midvear.

The current overall staff to inmate ratio is 1:3.4. This would improve to 1:3.3 with the increase requested in 1990. In addition to the positions required to activate new institutions, approximately 3,000 additional positions for existing facilities will be required through 1995 to achieve the staff/inmate ratio of 1:3.

The revised overcrowding goal acknowledges the high cost of prison construction and the reality of the budget deficit. Reduced prison construction and a 30 percent overcrowding level would be manageable provided, increase prison staff levels are approved.

Correctional Complex Concept

QUESTION: Your testimony contains several examples of the Bureau's desire to expand the Federal Prison System in the most efficient manner possible.

- a. Could you provide additional details on the efficiencies inherent in the correctional "complex" approach?
- b. What is the present cost of incarceration on a perinmate basis? How does this compare to state and local costs?

ANSWER: The correctional complex concept is just one of the options being studied by the Bureau in its continuing effort to prepare for the future population increases. The Bureau has been studying the correctional complex concept and is working to identify the benefits as well as the essential elements for the design and development of a correctional complex. By providing more bedspace at one site, it is anticipated that significant initial construction cost savings would occur. By sharing administrative services and support facilities, more significant operational cost savings will be realized due to lower staff requirements. Major areas that appear likely to benefit by increased efficiency and that have cost savings potential by centralized or partial centralization are:

administration, procurement, personnel, recruitment, staff training, warehouse/ storage, motorpool, inmate health care, food service, laundry, maintenance and utilities.

The average daily cost of an inmate in Federal prison amounted to \$39.67 per day in 1988. Costs range from \$28.14 in the lowest security level 1 facilities to \$68.58 at the security level 6 penitentiary in Marion, Illinois.

As reported in the 1988 Corrections Yearbook, published by the Criminal Justice Institute, Inc., the average cost of an inmate in a State facility was \$43.54 per day. The costs range from a high of \$71.93 in Alaska to \$21.00 in Mississippi.

It should be emphasized that it is difficult to compare costs without analyzing the security level and specialized characteristics of the inmate population.

QUESTIONS SUBMITTED BY CONGRESSMAN REGULA

Federal Prison System

Concentration of Facilities

QUESTION: I note in your statement to the subcommittee that current construction for a Federal Correctional Institution is taking place in Pennsylvania as well as three other sites. I also note that construction will begin on three more Federal Correctional Institutions one of which will be located in Pennsylvania. Why does there appear to be concentration of efforts in Pennsylvania, when there are no Federal prison facilities in Ohio?

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ANSWER: The Bureau is concentrating its site selection activities in regions that are most overcrowded, and where we project the greatest growth in the future. The Northeast and Southeast regions have the greatest need. Construction of new facilities in Pennsylvania will significantly ease overcrowding in this region. Pennsylvania's rank as the fourth populace state, its large size and land availability and the Bureau's philosophy of confining offenders as close to home as possible, contributed to our site selection strategy in this State.

The Bureau of Prisons will be happy to consider any sites in Ohio that may be available and that meet our requirements. Although the North Central Region is the least overcrowded of any of our regions -- about 33 percent-Ohio is located in an area that would help to relieve not only the overcrowding in the North Central Region but other regions which are even more overcrowded.

QUESTION: The Bureau of Prisons is again asking for authority to test a prison leasing program using private financing to develop and construct prisons. Would you provide the subcommittee with additional information on

the proposal? Does it differ in any way from last year's proposal?

ANSWER: While there are variations in leasing approaches, the Bureau's current plan is to use a site-adapted design for each of the two facilities requested. A prospectus would be made public requesting proposals for furnishing financing and construction services. The successful bidder would complete construction of the facility with his/her own resources and lease the facility to the Bureau on an annual basis. The Bureau would staff and manage the facility.

A program of leasing prisons from the private sector combined with direct Federal appropriations for construction can substantially reduce the outlays required in the Bureau of Prisons' expansion program over the next few years. This approach also supports the goal of deficit reduction within the time frames of Gramm-Rudman-Hollings.

The only difference between last year's proposal and this year's is that last year we sought three facilities whereas this year we are asking for two.

QUESTION: In using Federal surplus properties for use as correctional facilities, how much work is usually required to convert these to secure facilities? Is it possible to make these facilities as secure as a building or complex which from the beginning is designed to be a prison?

ANSWER: Over the years, the Bureau of Prisons has acquired Federal surplus and other property for conversion to minimum security correctional facilities. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of time. While conversion of facilities to minimum security institutions is usually feasible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security must be designed into the facility. Converting existing non-correctional properties to medium and maximum security facilities is frequently more expensive than design and construction of new institutions.

QUESTION: Your statement makes note of the Department of Defense's (DOD) receptivity to establishing Federal Prison Camps on active military bases. How far have these discussions progressed, and would DOD be leasing these sites to the Bureau of Prisons?

ANSWER: The Bureau of Prisons and the DOD have had a working relationship over the years that has resulted in the establishment of the camps on active bases such as those at Eglin, Florida; Maxwell, Alabama; and Boron, California. Additionally, institutions at Pleasanton, California; Big Spring, Texas; and Duluth, Minnesota, were

all sites of former bases and were acquired through the efforts of both agencies. In 1988, three Federal Prison Camps were established on Air Force bases at Homestead and Panama City, Florida and on the Naval Base at Pensacola, Florida.

We are continuing to work with DOD to pursue sites for camps on active military bases at several locations around the country. Additionally, the Bureau is a member of the commission established to look at alternative uses for military facilities. We have identified 22 locations on the list of bases recommended for closure, and fully intend to work with DOD to determine suitability for correctional use.

Thus far, we have not pursued leasing sites from the military. Instead, interservice agreements have been utilized by the Bureau and the individual command.

IMMIGRATION AND NATURALIZATION SERVICE

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JAMES L. BUCK, DEPUTY COMMISSIONER

THOMAS N. PERRELLI, COMPTROLLER

DONALD R. MUELLER, BUDGET DIRECTOR

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CHARLES R. NEILL, DIRECTOR, SYSTEMS POLICY STAFF

1990 IMMIGRATION AND NATURALIZATION SERVICE REQUEST

Mr. SMITH. Continuing with our review of the Department of Justice, we will now hear testimony from the Immigration and Naturalization Service. The request for INS is \$866,459,000. In addition the INS has \$105 million available through the Immigration User Fee Act account as well as \$26.5 million from examination fees. That makes a total of \$998 million.

[The justifications follow:]

(1389)

Department of Justice Immigration and Naturalization Service Estimates for Fiscal Year 1990 Table of Contents

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Justification of Proposed Changes in Appropriation Language

Conseasile of 1899 Changes

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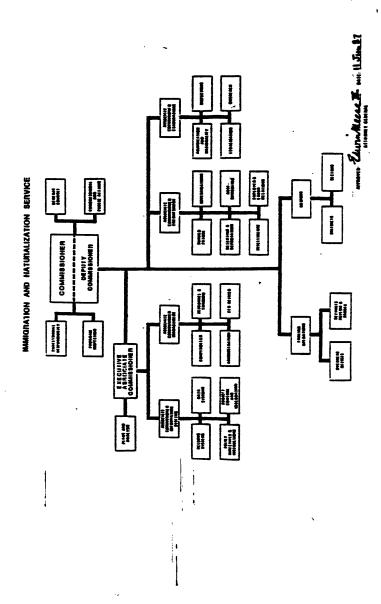
Status of Construction and New Facilities Requirements.

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Descriptions and Reflated Services.



Immigration and Maturalization Service

Salaries and expenses

Summery Statement

Fiscal Year 1990

The immigration and Naturalization Service (INS) is requesting a total of \$666,459,000 and 13,792 positions and 13,234 workears for 1890. This represents a net decrease of 1,601 positions and 911 workyears from 1990 Base level and an increase of \$44,456,000 ower the 1989 anticipated level of \$822,003,000 and 15,239 positions and 14,145 workyears. Not mandatory increases for 1990 are \$65,005,000 and program increases are \$10,631,000. Thus, INS must take base reductions of \$28,953,000 in order to fund these increases. These program changes include:

Staffing of New Detention Facilities

An increase of 130 positions, 65 portyears and \$9,275,000 is requested to staff two new detention facilities for criminal valents—are scheduled to open in September 1999. The Oakdale II in Louisans and San Pedro in California—that are scheduled to open in September 1999. The Oakdale II schillty is an extension of Oakdale I and is to be jointly operated by INS and the Federal Prison System and will require 20 personnel and \$2,220,000. The San Pedro fecility was converted from a Service owned Ragional Office complex and will be operated by INS alone and will require 110 personnel and \$7,055,000.

Enhanced Training Capabilities

An increase of 28 positions, 12 workwars and \$1,356,000 is requested to provide instructors for a new FLETC training facility in Artesia, New Mexico. This facility will be utilized in great part to provide in-Service journayman level training for INS enforcement officers.

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Base Program Decreases

desproyand decreases of 1,396 positions and \$28,953,000 are requested in order for INS to fund its mandatory increases and remain within the terreted budget levels established the Administration. Additional decreases included A-76 management and productivity savings of \$25 positions and \$2,247,000. These reductions are possible in part due to the implementation of receipt accounts such as the Inspection User Fee, Legalization Fee, and Examinations Fee. Additionally, over the last several parase INS has shown considerable increases in productivity and efficiency in its enforcement programs which enable it to absure hear and examinations.

imigration and Maturalization Service

Salaries and expenses

Justification of Proposed Chammes in Appropriation Language

The 1990 budget estimates include proposed changes in appropriation language listed and explained below. Hew language is underscored and deleted matter is enclosed in bractets.

Salaries and expenses

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Explanation of changes:

The change will accommodate the Service's need for the replacement of passenger vehicles.

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Immigration and Naturalization Service

Seleries and expenses

Justification of Program and Performance

Activity Resources Summary (Dollars in thousands)

	1989	Appropr	100									
Activity: Enforcement	1	nt ic 1pe	2		990 Bas	-	6	S Est	ut:	Incre	30/De	ress
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	2	ϳ	Amount	Š	되	Amount	į	닠	Amount of	કો કો સ્ત્ર	닐	Amount
Inspections	1711	_	\$72.641	1717	1.549	\$80.612	1.049	_	178.482	-122		-\$2,130
Border Patrol	6.493	_	232,058	6.493	4.528	257.033	3	_	246.358	-552	Ę	-10,678
Invest toat ton	8		86,041	906	3	91,979	. 7		91,673	9. 9.	:	Ş
Ant 1-Saugaling.	ğ		19,315	Š	3	20.670	343	_	19.895	7	÷	-678
Detention and Deportation.	1,61	1,564	137,452	1,613	1,564	145,523	1,544	989,	150,776	ş	22	6,253
Employer & Labor Relations.	2		3,816	3	2	3,940	3		3,656	٦	?	÷
Total	10,624	_	551,323	10,624	9.5	599,657	999'6	_	590,942	26	÷	6,7

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of quelified persons. This activity includes thospecting applicants for admission, patrolling the border, locating undocumented allens also are in the United States following illegal entry or are in violation of their status after legal entry, detaining and deporting illegal allens, and enforcing the employee sanctions provisions of IRCA.

1990 Estimate Decrease	t Pos., MY Amount Pos., MY Amount	1 \$80,612 1,049 1,515 \$78,482 -122 -34 -\$2,130
1990 Base	Pos. W Amount	\$72,641 1,171 1,549 \$80,0
1989 Appropriation Anticipated	WY Amount	1,171 1,510 \$72,641
961	Perm.	Inspect tons

Long Range Goal: Ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the Mational interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified; provide support to the Adjudications program by approving or denying applications and petitions for banefits that are sent to ports of entry for remote adjudication during inspector standby time; and issue Border Grossing Cards at ports of entry.

for Objectives

Inspect (in cooperation with other Federal agencies) all applicants for idmission into the United States.

facilitate the entry of qualified persons through ports of entry.

Prevent the entry of inadmissible applicants through ports of entry.

Detect fraudulent documents representing felse claims to U.S. citizanship or parmanent residence status and seize convoyances used for illegal entry.

Adjudicate applications and patitions at ports of entry in order to efficiently utilize impactor standby time.

Mits Program Description: The function of this program is to enforce and administer the immigration and nationality less with Program Described to the Ministry of all states are impacted at ports of entry to describe the Ministry for admission. And the built of states are impacted at ports of entry to describe the Ministry for admission and if so, under what conditions. This process is confinated with the Department of States U.S. Chistome Service, Department of Agricuiture and focal port attom. Local and Missional Described Willisty is based on examination of the population of Agricuiture and focal port of port of horses at one and ministry into the Ministry Service and Ministry discovered in the face port of the Ministry

Accomplishments and Workload: Accomplishments of the Inspections program are presented in the following tabler,

Item	1961	1988	1989	1999
Persons Inspected-Mpropriated. Persons Inspected-User Fee. 48,322,318,48,351,522 60,000,000 60,000,000	297,020,227	341,078,321	350,000,000	350,000,000 50,000,000
Appropriated	710,888	726,932	770,000	770,000
Denote A Contract Constitution		76,123	000'08'	90,000
Serier's of Illegal Drugs.	200.000	200.000	200 200 200 200 200 200 200 200 200 200	2000

During 1988, the Inspections program experienced wery high levels of workload. Total inspections were 389,429,843, of which approximately 194,000,000 involved U.S. citizens. A total of 802,005 feadedistile alleass were insercepted, representing a service of 2.1 detections per 1,000 inspections. Continued the latest per 1,000 inspections. Continued to measures pertaining to detection necessays and techniques of detecting fraudulant and malatide attempts at entry into the United States continued to measures pertaining to detecting indemissible alien applicants. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continued to receive priority during the past year.

With the passage of P.L. 99-500, the Department's 1987 Appropriation Act, an inspections bier fee Account was established. This legislation, which provides for the collection of a 15 user fee from each U.S. citizen and alien arriving the hited States from force of inspections program to provide more effective services at all sirports and seasonts. Mationalide. On a continuing basis, 1883 is more able to supplement its appropriated resources by changing the imagration list fromide. On a continuing basis, indicinal and new officers at certain locations, including inspectional overtime, costs associated with improved fraud detection, and other related activities.

Program Changes:	1	1990 Base			990 Est	inte	Decrease	
	ŝ	Pos.	Amount	되	덬	M. Amount	덬	Pos. IT Amount
Inspections	1,171	1,549	\$80,612	1,049	1,516	\$78,482	÷	-\$2,130

have resulted blementation of the Immigration User Fee and increases in productivity and efficiency which and automated improvements, will enable IMS to achieve the proposed base reductions.

	200	1989 Appropriat	riet fon		1990 Pa	9	Š	1990 Estime	9	1	Decre	25
	į	뉰	Pos. MY Amount	2	닠	Pos. MY Amount	į	덬	Pos. MY Amount	į	뉡	Pos. WY Amount
der Patrol	6,493	4,695	6,493 4,695 \$232,056 6,493 4,628 \$257,033	6,493	4,528	1257,033	4,941 4,115 \$246,358	4,115		-552	7	-552 -413 -410,675

LONG RAIDE GOSI: Ensure that the entry of persons into the United States between ports of entry is controlled in a manner that is consistent with the Mational interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

lar Obtactives

Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border.

between ports of entry, intendict drug smugglers, potential terrorists and criminals or dater than from attempting illegal entry.

Couse persons seating edaission into the United States to present themselves at designated ports for imspection.

Also Program Description. The function of this program is to deter or prevent illegal antry or locate and apprehend alian bed Shaff 11 1693. After a conser the border. The Border Patrol has prisary responsibility for drug interdiction between the ports of entry on the southern lead border. In addition, the State of Gendlers interaged the test interdiction of parts of the southern border. The southern border is determined to the southern border. The southern border bear is the about the southern border. The state and border bear bits in this andeavor, all Orders angued in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer manitored activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer manitored activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer manitored activities of provided by a first of observation arrived visiting devices. Patrol officers use a wide assertant of vehicle addition linearish and operations requirements, including motorsciels, all terrain which such can be conducted along major routes of travel to restrict access to the interior by illegal allens. The properties contains are placed under surveillance for the same reason. The Border Patrol site assists in the employment of the Employer sortium for the same reason. The Border Patrol site assists in the employment of the Employer sortium of the familiance of the familiance of the familiance of the familiance of the familiance of the same readoughts.

Accomplishments and Workload: Accomplishments of the Border Patrol program are presented in the following table:

1989	48,000 9,100 9,900
9861	50,000 50,700 50,000
1900	969,214 60,122 10,373
1907	1,150,030 61,567 11,671
Item	Deportuble Aliens Apprehended. Smuggled Aliens Apprehended. Smugglers Apprehended.

Included in this workload data are updated workload projections based on final resources allocations not available when the
workload indicators in the President's budget were compiled.
 Bonder Patrol apprehensions in 1988 were down 16.3 narcest from the previous war, mainly due to the deterrant effect of

Border Patrol apprehensions in 1988 were down 16.3 percent from the previous year, mainly due to the deterrant effect of the employer sanctions provisions of IRCA, During the same period criminal allen apprehensions increased by 72 percent. Of the botal apprehensions in 1988, the Border Patrol apprehended 40,936 illagal non-Maxican nationals from over 130 different countries.

As part of the Administration's Southwest Border Drug Task Force, the Border Patrol increased its drug interdiction efforts bords than Southwest Land border. The Patrol has been assigned the major role for drug interdiction on land between the ports of entry. Cross-designation authority and drug training have animated the Border Patrol Agent's ability to intercept intermine any giralficiting areas that have produced a significant increase into the occasional animates that have produced a significant increase over 1987, valued in excess of \$700,500,000.

life has placed greater emphasis on criminal allen apprehensions and enhanced narcetics intendiction activities. These efforts will confine to result in the removal of an increasing number of criminal allens and narcetics amogners from the limited States. The Border Patrol Criminal Allen Program (BORGA) facilitates the apprehension of criminal allens within the surrounding broader areas, thereby reducting the number of crimina committed against both United States and allens. The batrol has inclinate and an area of the detection of allens and narcetics being amuggled into the United States. The dogs have been successful in the detection of drugs, worthing primarily on traffic cheticolnit inspections. The Patrol activity participates in school drug education programs, already reaching over 200,000 more students by using the dogs to capture the children's interest.

As part of the Service's Employer Sanctions program the Patrol established twenty new Assistant Chief Patrol Agent positions. These individuals direct and coordinate the employer sanctions and labor relations activities within their sectors. Border Patrol Petrol personnel conducting employer sanctions and education for employers and labor organizations have been very successful and well and well acceived in this important mission.

Porm. 1990 Estimate
Pos. M. Amount
4,941 4,115 1246,358 M Amount 4,528 \$257,033 lorder Patrol..... 5,493 Program Changes:

Program decreases are rapusted in order to meet budget levels proposed by the Administration. These raductions are possible as a result of improved productivity and efficiency in the Border Patrol program due to the increased use immovetive technology and equipment.

addition, a savings from A-76 management and productivity improvements of -90 positions, -90 workyears and -5791,000 included. 5=

ecrease	Pos. WY Amount	-1406	w viola- initiate removals.
se/D	ᆲ	:	2 6
Increa	. Se .	-168	i identi al laws; tations
no te	Pos. My Amount	\$91,573	ited States ated crimin ffect depor
990 Estimate	S	1,504	the Garage
		1,738	and oth
	Perm. Pos. W Amount	616,16	the interior
1990 Bese	S	1,504	within national
-	os.	906	2 2 2 3 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
let fon	Pos. MY Amount P	1,906 1,481 \$86,041 1,906 1,504 \$91,979 1,738 1,504 \$91,573 -168	nationality Semigration Formation
1989 Appropriation Anticipated	S	1,481	on and of the
1989 A	Pos.	1,906	for or pro
			Enforce the evidence of v inal prosecut;
		Investigations	Long Range Goal: Enforce the immigration and nationality laws within the interior of the United States; identify law viola- tors and gather evidence of violations of the immigration and nationality laws and other related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect deportations and removals.

Ensure the investigation and apprehension of aliens who commit major criminal offenses, with emphasis on multi-national criminal alien organizations involved in narcotics trafficking, subversion, terrorism, and other serious or violent criminal activities. Major Objectives:

Identify emp. users who illegally hire aliens not authorized to work in the United States and deter the employment of illegal aliens through education regarding the law, fines or prosecution of the employers.

Prosecute or stop illegal activities by persons or entities who compire with and assist aliens to fraudulently obtain semi-gration benefits or perpetrate major fraud schemes.

Prevent allens from fraudulantly or illegally applying for and receiving benefits from government entitlement programs, and support prosecution or civil proceedings to recover benefits illegally obtained.

Investigate matters referrad by other Service branches to locate allens who have absconded from Service proceedings, develop grounds for denial of petitions and applications, and obtain evidence to support other administrative proceedings. Participate in the Department of Justice's Organized Crime Drug Enforcement (CCDE) program, which combines the unique capabilities of various law anforcement agencies for a comprehensive attact on major drug organizations in designated cities.

<u>Observed pearalities.</u> The function of this program is to detect criminal hav violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Casas stitution, forming and articles and marcotics trafficting, employers who knowingly hire illegal allens and narcotics trafficting, employers who knowingly hire illegal allens, and individual allens who have entered the United States illegally to find employment. Investigative task forces concentrate the criminal organization, administrative investigations are accomplished frough tradity the members and excitities of a criminal organization. Administrative investigations are accomplished frough traditional investigations techniques, such a startice of subponnes and search warrants to obtain evidence or to gain access to employment sites where illegal allens are working.

7

			EST	Estimates
Item	1967	98	-1 S) }
Cases received.	42,027 26,361	46,306 37,052	54,300	55, 200
cases completed resulting in adverse actions against illagel aliens 2/	13,522	16,672	18,706 7,000	19,100
4	31,456	37,026	69	70,200
	: A	:	24,000	24,000

1/ Workload data differs from 1990 President's Budget due to updated statistical information.

2/ Adverse actions against the subject of an investigation include convictions, deportations, denials of benefits, termination of benefits, and recoveries of funds.

3/ Most of the effort in 1986 was directed towards employer education visits.

The investigations program places its highest priorities on cases involving criminal allens, amplayers who illegally hire allers not authorized to serk and fraud stoness to obtain (amplation being effectiveness of the investigations staff is not limited to the number of cases and apprehensions of individuals who have violated the immigration last and their prosecutions. It also encompasses the immeasurable benefits resulting from enforcing the amplayers sanctions and administrations of and lacens reform which has a deterrent effect on hiring illegal allens and increases the availability of jobs for citizens and lactures the availability of jobs for citizens

Investigations has increasingly redirected resources to focus on large-scale criminal schemes, using a test force concept targeted against crime rings and ethnically-based criminal groups. Task force operations have identified maltiple conspirators and complex international organizations involved in narcelles trafficting, the manufacture of counterfelt immigration and other related identification documents, the arrangement of fraudulent marriages, and corrupt foreign-based travel agents, expended use of undercover operations and consensual monitoring equipment has resulted in increased successful prosecutions of major vielators.

15

A Carrent

Investigators terminated 408 major fraud schemes in 1988, as compared to 506 in 1987. This number showed a decrease in 1988 because of the assignment of Investigators to educational conflicts to inform employers on their responsibilities under the employer senctions provisions of IRCA. Typically, the targets in fraud cases are involved in the sale, distribution, manufacture or alteration of fraudulent documents to multiple aliens; arranged marriage or other relationship frauds; or the creation of same business wintures. Fraud was found to be prevalent in the Legalization process, particularly the Special Agriculture boriers (SAM) program, and necessitated dedication of substantial investigative resources to detect, procedute and deter such activity.

IKS was directed by the Department of Justice to fully participate in the Organized Crime Drug Enforcement (OCDE) program and mone has 100 special agent positions assigned to this affort. This directive was the result of the recognition by member agents of the task force program that IKS could substantially enhance current efforts by its statutory responsibility under the temigration laws. During the period January 1, 1998 through November 30, 1998, IKS Special Agents have participated in 157 OCEE frestighations formally accepted by the core city coordinating groups. To date, IKS has been dasignated as the lead or corelead agenty in 48 accepted OCEE investigations.

The passage of IRCA, the Anti-Drug Abuse Act of 1986, and the Marriage Fraud Amendment to the Immigration and Mationality Act have necessitated a redirection of current resources to implement these laws. Among other achievements, the following was accomplished:

- By the end of 1988, 301 new agents entered the basic training course and 1,330 special agents were on duty.

 A four-city pilot project is operational in New York, Mismi, Los Angeles and Chicago to improve responses to referrals by local police authorities regarding arrested aliens charged with drug-related violations and to improve access to related automated information systems.

- Warnings were issued to 3,061 employers for possible sanctions violations in 1988.

- In 1988, 648 Notices of Intent to Fine were served on employers for substantive and paperwork violations of sanctions provisions.

The Investigations program has made significant inroads in educating employers as to their responsibilities under Section 245% of the Immigration Reform and Control Act. Over seven million employers have received the Nandbook for Employers describing the verification process as it relates to the Form 1-9. By June 1988, 40 percent of the Investigations agent effort had translated into over one million individual employer contacts. Educational efforts will continue through June 1989 at 50 percent the previous year's level, or 500,000 visits.

Program Changes:	1990 Base	1990 Estimates	
	Pos. WY Amount	Pos WY Amount	Pos. NY Amount
Investigations	1,906 1,504 \$91,979	1,738 1,504 \$91,573	

Program decreases are requested for the lamigration and Maturalization Service to meet budget targets established by the Administration.

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	1989 A	1989 Appropriation Anticipated	at ton		1990 Ba	•	199	Est i	t e		ecrea		
Perm. Perm. Perm. Perm. Perm. Perm. Perm. Pos. WY Amount Pos. WY Amount	Pos a.	뒼	Amount	Pos.		Amount	Pos.	ϳ	Amount	Po 3.	S	Amount	
Anti-Smuggling	384	347	\$16,915	384	347	\$20,570	343	329	\$19,895	7	-18	-\$675	
Long Range Goal: Reduce the number of illegal aliens in the United States and prevent the entry of unqualified persons by	umber of	fi legal	aliens (in the U	nited S	tates and	prevent	the en	try of und	Wallfled State	perso	ns by	

<u>Long Range Goal: Reduce the number of illegal aliens in the United States and prevent the entry of unqualitied</u> <u>detecting and successfully prosecuting those individuals involved in smuggling and transporting illegal aliens.</u>

Mejor Objectives:

Identify smugglers of illegal allens.

Investigate and apprehend saugglers of illegal allens, concentrating resources on major violators.

Prepare sufficient evidence to support U.S. Attorneys in obtaining convictions of smuggling violators.

Increase deterrent efforts such as conveyance seizures, drug seizures, extraterritorial prosecutions, fines and sentences.

Base Program Description: The Anti-Swagling program has as its primary function the curtailment and prevention of the proceed "Manigrant population in this country by locating, apprehending and rocecuting all is managing proper involved in attensive swagpling operations, and by locating and apprehending those deportable aliens who use such manss to enter the country without detection. While the large majority of alien swagplers apprehended by IMS enforcement personnel are considered in more violators who was secured in any exceeding the processional organizations are stantished involved in other illegal activities such as narrocifica and weapons swagpling, extertions, kidnapping, peomage, and document fraud on an international scale. Special Agents identify and infiltrate these organizations through interviews, the use of informants, surreptitions turnight interviews, the use of informants, surreptitions.

Accomplishments and Morkload: Accomplishments of the Anti-Sauggling program are presented in the following table:

1100	1987	1988	1989 1989	inates 1990
Sauggilng Principals Apprehended (Anti-Sauggilng)	4,412	868'8	10,678	11,446
Serviceride)	11,072 861	13,200 6,138	15,708	14,340

Item	1967	1986	1986	1990
Prosecutions Major Minor	702 3,045	850 3,650	1,000	1,027
Convictions (Defendants): Felony	1.239	1.121	2.008	1,809
Misdemeanor	5,638 20,619	3,698	26,750	6,775
Conveyences Seized	9,723	677	11,000	10,719

* included in this workload data are updated workload projections based on final resources allocations not evallable when the workload indicators in the President's budget ware completed.

The increased focus on reducing illegal immigration is reflected in the higher numbers of alien saugglers apprehended and successfully prosecuted. The Service apprehended 13,200 sauggling principals in 1988. A total of 4,500 cases were prosecuted in 1988, resulting in 4,819 individuals convicted. As an adjunct to criminal prosecutions, the Service seized 9,677 conveyances (cars, trucks, vessels, and airplanes) used in sauggling.

In 1988 and continuing into 1989, the Anti-Sauggling program has and will continue to focus on the identification, apprehension and successivil prosecution of aalon alien sauggling program continues, particularly in those instances where there is the sine and successivil prosecution of aalon apprehensive concentrate entersive intestigates efforts against broadly diversified sauggling organizations engaged in infant sauggling, hostage-Astroriton situations, comporte sauggling, drug and counterfeit program under Operation Allance. One hundred and twenty-three of its special agents are cross designated in support of drug interdiction activities.

Program Changes:		1990 Base			1990 Estimate	imate		Decr	****
-	8 .	S	Pos. MY Amount	8	뒼	MY Amount Pos. MY Amount	2	si	Pos. IIY Amount
Ant 1-Smuggling	384	347	347 \$20,570	343	329	\$19,895	7	-18	-\$675

Program decresses are requested for immigration and Maturalization Service to meet budget tangets estabilished the Administration. *in addition, a savings from management and productivity improvements of -5 positions, -5 workyears and -\$43,000 is included.

se/Decresse	NY Amount	5 -69 22 \$5,253
Incre	اج اع:	9
at to	M Amount	1,544 1,586 \$150,776
1990 Estinat	닠	1,586
=	2	1,544
•	WY Amount	1,613 1,564 \$145,523
1990 Base	늵	1,564
	S.	1,613
lat ton ted	W Amount	1,613 1,564 \$137,452
1989 Appropriat		1,564
1989	P05	1,613
		& Deportation

Detent fon

Long Range Goal: Detain, until ready for removal, allens subject to exclusion and deportation proceedings who are likely to abscord or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or expludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

Major Objectives:

Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible.

Ensure that adequate alien detention capability is available by staffing and maistaining sewn accredited INS Service Processing Centers (SPCs), and detaining aliens when necessary in non-INS facilities which meet INS standards.

Allow apprehension activities to operate at full capacity by quickly removing detained aliens.

Base Program Description: The Detantion and Deportation program is a critical element in the structure of the Service [11 functions are the detantion, exclusion, explusion, removal, parole and deportation of aliens. Service and non-Service (context) facilities are used to detain, until insert your removal, these alies subjects to deportation or entilisting my proceedings who are likely to abscend or whose freedom targe would clearly represent a present danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

Accomplishments and Workload: Accomplishments of the Datention and Deportation program are presented in the following table:

				J	1990	Increase	Bennes
	1987	1986	1989	9656	Level	Level	Level
Detention a. Alems detained (Total) INS Fecilities Non-Service Facilities	82,799 48,335 34,325	92.799 51.527 41,272	135,000 74,925 60,075	139,050 77,172 61,878	-2,244	4.0.1. 26.2.	141,000 83,662 68,138

	Request	9 2,049,840	3 1,314,365	735,475	. 14.5	0 1,317,620		26,352	•	1,276,247	13,176	27 1,845		. 97		20.02		9,075		
	Increase Level	140,899 2				19,320		3,122		16,171	:	ສ		:				\$	2.100	•
R	Decresse Level	-83,690	:	269.23	:	:		:		:	:	:		:		:		:	:	:
	Pass	1,992,631	1,083,582	80,08	14.5	1,298,300		23,230	•	1,260,076	13.176	1,818		26		10.61		8,726	54.540	8
	1989	1,934,594	1,052,022	862,572	14.3	1,291,400		23,000	•	1,247,600	19,000	1,800		26		10.6%		8,640	54,000	8
	198	1,406,966	766, 188	642,778	15.2	939,853*		13,345		900,866	23,178	2,464		*		9.6		7,064		
	1987	1,257,306	738,442	518,864	51	1.118.674		19,867		1,080,222	16.407	1,680		8.68		7.43		9,000	33,000	8
	Item	b. Number of detention days	INS Facilities	Non-Service Facilities	c. Average stay in detention (days).	expuisions a. Aliens expelled (b+c+d+e)	b. Voluntary departures under docket	Control	c. Voluntary departures not under	docket control	d. Deportations effected	e. Exclusions effected	f. Deportable aliens located, per-	centage expelled	g. Expelled aliens, percentage	detained	Recognizance, Bond and Supervision	a. Allens released on recognizance	b. Altens placed on bond	c. Aliens placed under supervision

Morkload data differs from 1990 President's budget due to updated statistical information.

The Detention program accomplished its mission during 1988 through the operation of seven SPGs. Through an expansity of these seven facilities is now 2,39 detentes. INS utilizes if the private occupance of the private occupance in Los Angeles, El Centro, Denver, Lardo, and Houston. These facilities provide spaces for INS. A standard statement of work for contract facilities has been developed and will be used for future tracts with private sector entities. INS also confracts with ones 600 state and local prisons and jails for beds; detain allens. In 1988, 642,778 detention days were provided through contract sources.

The Department's 1987 Supplemental Appropriations Act, P.L. 100-71, enacted July 11, 1987, provided \$15 million to construct be required as a false detention facilities satisfied as a false detention facilities as a \$1.275,000 will be needed to staff and operate these but now facilities which are expected to be ready to receive detainers in September of 1989.

One facility, Datdale II, is to be jointly operated by INS and the Federal Prison System (FPS). When this facility becomes operational in 1989, INS personnel mast be on-board at the same time that staffing is provided by FPS. Only INS personnel can perform the administrative functions required under the languation and Mationality Act, including transporting aliens on afform the facility, ascorting aliens in their appearances before immigration judges, and assisting in both the voluntary and court-ordered expulsion of aliens. Twenty personnel and \$2,225,000 are needed to effectively open and operate this facility.

Additionally, the Service is converting its old Western Region office building at San Pedro into a detention facility. This sources will be compared and personnel and stilling is critical to our enforcement strategy in the Western Region, where expenses in the Western Region of this detention facility is critical to our enforcement strategy in the Western Region, where appealens in the Western Region of this detention of this detention described.

Program decreases of -172 positions, -16 workyears and -\$3,786,000 are necessary for the immigration and Maturalization Service to meet budget targets established by the Administration. These reductions are possible as a result of increased productivity and efficiency.

"In addition, a savings from A-76 management and productivity improvements of -27 positions, -27 workyears and -\$236,000 is included.

	Mount	-\$85	Pent Pent Pent
Decresse	W Amount	•	ther rith D
å	E s	÷	######################################
		mployer and Labor Relations. 67 62 \$3,816 67 62 \$3,940 51 50 \$3,858 -6 -2 -\$82	ong Range Goal: Advance cooperation and voluntary compliance of employers, labor organizations, workers and other groups lift the employer sanctions provisions of the lamigration Reform and Control Act (IRCA) of 1986. Oversee the establishment and operation of systems to veryity the immigration status of alterin applying for benefits under Aid to Families with Depen- ent Children, Medicaid, unemployment compensation, and food stamp programs.
timete	3	3,	at lons, 1986. under A
990 Es	S	3	CAS and a second
1	Pos. M. Amount	5	labor o Act (IRC for ben
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		mploy	25 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5

Me lor Objectives:

ᅙ woluntary compliance of employers, labor organizations and workers with employer sanctions ŝ Advance cooperation sions of IRCA. Provide information to the public, Congress and others regarding voluntary compliance aspects of IRCA.

Develop innovative approaches to encourage the hiring of United States citizens and legal resident aliens.

Establish systems to verify the immigration status of applicants for banefits such as AFDC, Medicaid, unamployment compen-sation and food stamps.

Base Program Description: The function of this program is to increase public understanding of employer and employer estation sibilities under IRCA and to obtain voluntary compliance with the employer sanctions provisions of the Act. Employer and Labor Maltibrian personal information and personal requirements under IRCA and the associated criminal/crim penalties for violations. They counsel employers and estociated criminal/crim penalties for violations. They counsel employers and estociated criminal/crim penalties for violations. They counsel employers and ere in violation of the law and create and associated criminal/crim tenders and captures to facilitate the availability and hiring of legally authorized benefit under certain entitlement programs administered by temporary so were feath and human Services, Apriculture, Labor, and Educary and Labor Raisfons program is responsible for providing the varification for Entitlements and Labor Raisfons program is responsible for providing the varification for Entitlements Program (SMVE), serves as a means of identifying trends and usage fevels by allers of fraudulent, counterfeit or altered imalgration documentation to obtain Federally subsidized benefits and employment in the United States.

Accomplishments and Workload: Accomplishments of the Employer and Labor Raiations Program are presented in the following

	1961	1988	1989	1990
Servicewide Informational and Educational Contacts	:	:	200,000	750,000
Servicewide Public speaking engagements (participa- tion in saminars and conferences, discussions with trade, professional and labor rganizations).	:	:		8
State agencies participating in SAVE (Systematic Alien Varification Entitlement) Progrem	÷	:	8	150
Fraud Cases generated by states querying the SAVE database.	:	:	002	1,000

Employer Senctions Program

During 1988 the Legally Authorized Worter (LMW) program was developed and implemented. Several pilot projects provided valuable information regarding implementation strategies. Additionally, LAM Labor Lists have been developed and have been and are continuing to be distributed to employers in most states.

Millions of employers were educated regarding their requirements under IRCA, via personal contacts, seminars, liaison with community organizations, trade associations and agricultural groups. Radio and talevision ads were prepared and used. Information packets were distributed to 12,000 colleges, universities and technical schools to inform students of documents required when testing employment.

A plan was developed to identify and educate new businesses about their responsibilities under IRCA.

A plan was developed to re-educate businesses about IRCA at the conclusion of Sarvice proceedings when they are found to be violation of IRCA.

Programs were developed to distribute IRCA-related anti-discrimination material and information.

Systematic Alien Verification for Entitlements (SAVE) Program

The SAVE Program has successfully established a viable database housed and maintained by a private contractor that contains over 25,000,000 Service Record "A" files. The Alien Status Verification Index (ASVI) has the capability of being accessed by seven different eccess methods including voice data response via bouch-tone talephone.

An in-depth manual has been developed and distributed to both the administrator and user agencies responsible for the implementation of the SAVE Program. The audience of the "SAVE" manual encompasses entitlement issuing authorities in all 60 states and the territories.

The SAVE Program has successfully obtained pledges of support in the form of signings of Mamorandums of Understand-ing between the Commissioner and 34 state governors including Alaska, which was signed October 4, 1908.

Program Changes:	=	1990 Base			19	N Est1	1990 Estimate	1	ă	creas	•	
	ž ž	되	W Amount		Pos.	si		22	Pos. W Amount	≥i	Mount	
Employer Relations 57 62 \$3,940	57	29	\$3,940		19	2	61 60 \$3,858	•	٠ •	~	-6 -2 -182	
Program decreases are requested for the Immigration and Naturalization Sarvice to meet budget targets established by the Administration.	ited for	\$ =	migration	8	latural fzd	t ton	Service to	a me at	budge t	tage A	ts establishe	_

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* 2	Haturali Fuges 4 Total	Adjudications and Maturalization Refugees and Overs	Adjudications and Returnalization Refugues and Overseas.		1,302	92. 28. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	16.53. 10.511 10.511	1,302	1,268	201.10 11.10 11.11 201.10 201.00 805.11 201.11 118.128 805.11 201.11 118.01 201.11 201	1,160	325	156,587 11,795 68,382		5. 7.	142 -120 -11,995 12 -7 -361 164 -177 -2,356
£ & %	are the	res nece adjudic otitions	stron of and app	Provi	de the t	and pe	titions retions	immigrat submitte conduct	for the second	Mational senefits, rseas exc	fty Act	Process	vided in	The resources necessary to provide the benefits of the lamigration and Mationality Act are provided in this activity. Included are the adjudication of applications and petitions submitted for benefits, and the processing of nauralization and citi-zenship petitions and applications. All operations conducted oversess except preinspection are within this activity.	the second	Includ- of fylty.
					1989 Appropriation Anticipated	or opril	e to		200 Bas			99 Est	m te	-	ecress	•
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¥	Judicat	ion & Mat	ural fzat 1	5	1,302,1	1,268	183,831	1,302	1,268	Adjudication & Naturalization, 1,302 1,268 \$53,831 1,302 1,268 \$66,582 1,160 1,146 \$56,587	1,160	1,148	186,587	-142 -120 -\$1,99\$. 120	\$11,995
218	Page 100		Provide and the na	for a	rd fact)	of ell	the efficience	clent, t	is.	djudicati	e S	yp) fcet	tons and	<u>Long Range Geal: Provide for and fecilitate the efficient, timely adjudication of applications and petitions for banefits provided by law, and the naturalization of all eligible applicants.</u>	ş	benef 1 ts
Z!	Major Objectives:	et ives:														
₹ ₹	t entiti	at benefi	its are p prompt a	ad co	of to the	Manner	titled to	out under	nder the burde	on the	tion and public.	Het 6	relity A	Assure that benefits are provided to those entitled to them under the lamigration and Mationality Act, and denied to those not entitled, in a prompt and courteous manner and without undue burden on the public.	<u> </u>	to those
¥	tein en	a intel	Attain and maintain a current workload in adjudication cases.	at ro	r load	In 8 6 Jud	licat ion	C8888.				•				
¥	tain and	a fata	Attain and maintain currency in naturalization and citizenship cases.	y th	natural	zation	and citi	zensh ip	Cases.							
₹	tein and	m inte	Attain and maintain currency in asylum applications.	ut to	sy lun a	pplicat	toms.									
37	nage res	ources 4	in' respon	3 5	workloa	algrett	hat appl	fcents 1	at ton S	etve deci	s tons	COMB	stent qu	Manage resources in response to workload so that applicants will receive decisions of consistent quality and timeliness in all decorabiles i unisdictions of the immigration and Maturalization Service.	=	iness in

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Fresch .

Accomplishments and Northoad: Accomplishments of the Adjudications and Naturalization program are presented in the following table:

			Fette	nter
11ee	<u>8</u>	8	1999	1990
Applications and patitions	:		1	1
Applications and outsides	2,221,465	2,245,407	3,414,000	3,539,000
completed (a-b)2/	2,140,787	2,286,787	2,799,000	2,799,000 3,105,000 1/3/
Propress	1,254,620	1,375,671	1,879,000	2,185,000
5. Completed using semigration in- spector standby time at ports				
of entry.	805,741	911,116	000,026	820,000
Mending, end-of-year		408,078	1,023,075	1,457,075
Applications and petitions				
received.	409,288	410,000	410,000	410,000
Apprications and partitions	100,001	404.011	410.000	460 000
Pending, end-of-year.	202.118	215.630	195,630	145.630
Persons naturalizad	273.640	241 801	000 001	300 000

If Receipts and completions reflect increases in applications and patitions submitted by newly legalized aliens, allens affected by the Marriage Fraud Amendment of 1886, and aliens affected by other provisions of IRCA.

2/ Includes Border Crossing Cards.
3/ Updated workload projections based on final resource adjustments not available when the workload indicators in the President's budget were compiled.

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Lothery.

Assumptions: The workload of the Adjudications and Maturalization program is apported to pin status much the tenglization and Special Articultural borders (SM) programs, through other provisions of alien apported to pin status much the top 1986, P.L. 99-633 (RMS) and through the Maringle Fraud Amelinant of 1986, P.L. 99-639. The projections are based on 1,564,44 sliess to have applied for Legalization the Maringle Fraud Amelinant of 1986, P.L. 99-639. The projections are based on 1,564,44 sliess to have applied for Legalization the Maringle State on 1986. It is assumed that legalized aliens will submit one relative pretition cards and S.B parcent apply for replacement alien morphisms and submitted the same rate as the base alien population. It is assumed that the case of the same rate as the base alien population.

Accomplishments:

In 1989, MS is continuing to davelop the direct and infiltative that bogan in 1986. Under this initiative or institution of the same rate as the base alien population.

Accomplishments:

In 1989, MS is continuing to davelop the direct and infiltative that though a fail office. This side offices to the Service Center intrade of the affect of the direct that in adjudication and partitions directly to a Service center intrade of the affect of the direct that in adjudication and partitions directly to a Service center intrade and the proper of the service to the Service Centers and complicate work society and populations and the service centers by the end of 1989. Ms is continued that the service centers by the end of 1989. Ms is continued to the center of the service centers by the end of 1989. Ms is continued to be suppressed to all four expense and the service centers by the end of 1989. Ms is center with in instance of the service centers by the end of 1989. Ms is centered and the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of

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Program Changes:		990 8416			1990 Estimete	ate.		Decrea	•
		Pos	W Amount	8	닠	Pos. M. Amount.	Ž ž	Pos. VY Amour	Š
Adjudications and Maturalization	1,302	1,268	\$58,582	1,160	1,160 1,148	\$56,587	-142 -120 -\$1,95	2.	÷.9

The establishment of the lamigration Examinations Fee and the implementation of the Direct Mail initiative will enable this program to achieve significant increases in productivity and efficiencies. Thus, program decreases are requested and will be viable in order to meet budget targets established by the Administration.

*In addition, a savings from A-76 management and productivity improvements of -22 positions, -22 workyears and -\$193,000 is included.

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		Refugees & Overseas 116	Long Range Ceal: Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and PAIRED activities. Approve qualified applicants for refugee status and for admission into the United States; adjudicate patitions and applications for benefits under the Immigration and Mationality Act (IMM); verify claims on applications and patitions by conducting immigration investigations. Establish beneficial laison with host governments, United States interests and others to ensure availability of mission related information sharing.	Mejor Objectives:	Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.	Serve in a pivotal role, ensuring the Service's high priority for overseas deterrence and lew enforcement initiatives.	Establish relationships conducive to the collection and dissemination of information of importance to the United States.	Receive and adjudicate applications for persons requesting entry into the United States as refugees in accordance with the IMA and yearly consultations between the President and the Congress.	Maintain established pre-clearance sites in overseas locations throughout the world.	Conduct investigations to varify entitiement to benefits under the IMA and to prevent fraud, alien sampgiing, and other violations of immigration laws.	Adjudicate applications and patitions for benefits applied for under the IM from individuals seaking admission into the United States as immigrants.	Provide planning, coordination, review, and evaluation of the Service's asylum program. Promptly and consistently adjudicate asylum claims from aliens not in exclusion or deportation proceedings.
		æ	THE FRE	₹	28	×	ũ	æ ==	₹	32	₹5	£ \$

To facilitate the Service's interdiction program, the Refugees and Overseas program plans to continue its 1988 efforts to strengthen cooperation through limison and information exchanges between participating federal agencies and the Caribbean countries from which most of those intercepted embart.

Base Program Description: The program identifies and deters potential illegal entrants at the source or in third countries through which they travel in route to the United States. Deterrence is initiated by IMS officers stationed in specific countries, acting in concert with law enforcement authorities in those and structuring on collecting countries. Mother function of this program is to adjudicate refugee applications, process perchess, conduct Investigations for preference and relative visa petitions, and conduct other records checks and buckground investigations as required at overseas Service offices, of forces assigned to this program provide assistance to citizens and landiup peragnent residents abroad regarding adoptions, insignation or parole of allen spousse and children, and other than Indian and return to conditiate the Service's interdiction program with other participating Federal apencies. The latter program, with the assistance of the Coast Guard, provides for the interdiction and return to countries of embarkation of individuals attempting to reach as since all applied to program and performed and return to countries of embarkation of individuals attempting the world. Asylum officers adjudicate all asylum requests arising from alliens not in expulsion proceedings; including persons seeking admission at ports of entry and those in the United States whether in or without lastful.

Accomplishments and Workload: Accomplishments of the Refugees and Overseas program are presented in the following table:

The state of the s				
:	;	- 1	•	Estimates
Ite	1987	98	6	8
Refugees Applying for Entry				
Pending/Becklog (1)	20,152	30,152	40,152	20,152
Received	101,718	10,000	8	000
Completed	91,566	100,000	8	80°.
Adjudications Completed				
Pending/Backlog (1)	5,819	7,319	6,319	9,319
Received	27,561	28,000	28,000	28,000
Completed	26.036	26.500	27,000	27.000
Investigations (Individua) cases)	•	•		
Pantino/Backlon	2.053	2.553	2 A01	3.053
Dece - Control	5.475	5.500	2,500	005.5
Completed	90.		6,260	25.3
Service Prevention Actions (2)	:	8	3	
	***	***		
Comp letted		3	30.	200
Public Service Completed	3,483	4,500	8	9
Asylum Adjudications (3)				
Pending/Backlog (1) and (4)	35,730	74,330	96,490	118,650
Received	26,107	52,400	900	000
Completed	11,728	13,800	25,840	28,82

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- These are incompleted cases at year-end.
 Vith the creation of the Office of Foreign Operations overseas deterrence of potential illegal entrants has become a new responsibility of this decision unit. These actions are distinct from investigations of individual cases.
 - (3) Under regulations effective October 1, 1988, responsibility for new asylum claims shifted to asylum officers operating under this decision unit. A full year workload of 48,000 claims is shown for the first time in 1990
 - (4) Excludes Mariel Cuban cases which are being adjudicated under the Cuban Adjustment Act.

Under the Immigration Reform and Control Act of 1986, additional resources were provided for increased overseas deterrence of Il Agal entry by enhancing operational intelligence and enti-sauggling information-sharing capabilities.

In 1988, major accomplishments included: the addition of immigration officers in Tijuana, Ciudad Juarez, Monterray, Mexico City, Mairobi, Bangkok, and Rome; participation in refugee consultations; and implementation of a specialized asylum officers system. In addition to these achievements, the Service has begun to increase the ability of overseas offices to contribut to this agency's domestic poals and operations through strengthened and more closely coordinated adjudication, investigation and enforcement related activities.

Program Changes:	į	1990 Base		1		1990 Estimate	et e	1		Decrease	I	
	2 2	퇴	Amount	삠		퇴	Amount		85. E	Amount	벌	
Refugees & Overseas	911	182	\$12,156		5	175	\$11,795	-12		-\$361	5	
Program decreases are requested for the immigration and Maturalization Service to meet budget targets or by the Administration.	ed for t	ie lando	ation and	Matura	lizatio	n Service	\$ 16	budget	targets	es tab 11 shed	Ē	
Activity: Immigration Support		1989 Appropriation Anticipated	ited		1990 Base		2	1990 Estimate	e te	Increase/Decrease	se/Dec	-6956
	. S	닠	Amount	Pos .	되	Amount	ë :	퇴	Amount		닠	Amount
Training	2	23	\$9,218	2	8	\$10,058	8	91	\$10,913	=	•	\$88\$
Systems	240	519	56,878	240	224	54,077	215	198	52,117	-52	-58	-26 -1,960
Management	1,353	1,360	47,330	1,353	1,360	53,134 2,846	1,1 8,	1,219	49,113	-216 -5	-141	1 -4,021
Kesearch and Development Construction and Engineering Field Management and Support.	* = #S		6,849 17,243	712	* = £;	7,062 18,525	* 22 8 2	- 9 8X	1, 8 S	:72	:77	7 55 Z
100.01	2,689	12.2	166,135	2,689	255,7	北部	13. 13.	2,33	168,827	şË	35	8/8'9

This activity includes the resources for construction, communications, records management, automated data processing, training descending and personal, research and development, field management, legal proceedings and the alten documentation program (ADIT). In addition, it provides a capacity to scientifically examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to sauggled aliens.

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		Pos. W Amount	13
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opr fat		MY Amount	88 \$9,218
1989 Appropri			8
198	2	Š	89
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Long Range Goal: Establish and maintain an employee development system that meets the needs of management and individual employees and compiles with requistory requirements.

Major Objectives:

Provide basic training for all new recruits, advanced technical training for journeyman officers and develop updated curriculum for the basic and journeyman training programs.

Train 1165 supervisors, managers, management officials, and executives and provide technical training programs to meet requirements that are satisfied by in-Service programs.

Base Program Dascription: The function of the Training program is to provide a permanent staff and the resources necessary to maintain an employee development program that meets the diverse training requirements are identified annually and are revised, as endeced, due to ner regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-Service training using IRS instructors, through programs conducted by other federal agencies, by private contractors, or in combined presentations using Service and non-Service resources.

Accompishments and Workload: Accompishments of the Training program are presented in the following table:

	tese Reques	8
Estimates 1990°	Decresse Incresse	
Est	Pase Dec	1,023 -743
	1989*	1,023
	1988	460
	1967	457
	Item	NorkToad Production/Training Completions: Border Patrol Basic

1 14 1

					C21 101		
						•0661	
Ites	1967	1988	1989	25	Decrease Level	Level	Request Level
Immigration Officer Basic	162	525	910	910	-370	:	4
Detention Officer Basic	2	20	202	202	¥	:	120
Journeyman Officer Training	625	625	9	999	:	1.990	2.640
Basic Supervisory Development.	508	5 60	5 60	92	:	•	266
Management Development	150	198	00 2	28	:	:	200
Executive Development	52	5 4	\$2	52	:	:	\$2
Extens fon Training	622	521	9	3	:	:	909
Contact Representatives and							
Docket clerks	120	*	22	21	:	:	120
Regional/Central Office						,	
Training	2,550	2,580	2,550	2,550	:	2	2,660
Starts:							
Border Patrol Basic	437	88	1,124	1,124	-548	:	976
Immigration Officer Basic	318	936	764	25	Ž	:	\$
Detention Officer Basic	£	150	242	245	101-	:	ž

Workload indicators for the basic courses reflect implementation of IRCA, as well as increases requested for 1990. The increase in Journapann Officer Training is planned to coincide with the opening of the new Federal Law Enforcement training site located in Artesia, Mew Maxico. Resources to support basic and journaymen training will be provided by the benefiting decision units.

Included in this workload data are updated workload projections based on final resource allocations not evallable when the workload indicators in the President's budget were compiled.

 Program Changes:
 Perm. Perm.
 Decrease
 Perm. Perm.
 Perm. Perm. Perm.
 Perm. Perm The FLETC training facility in Glynco, 64 has been unable to accommodate INS' needs for journeyman level training. A new FLETC facility in Artesia, New Mexico was acquired and will enable FLETC to accommodate these training needs. Thus, to adequately meet the training needs of Service enforcement personnel which includes training for the detection and apprehension of drug samagglers and traffickers, 24 postitions, 12 workyears, and \$1,356,000 are requested for this program. Since the

focus of IIS enforcement activities is in the west and southwest sections of the United States, a training location in that section of the country would be most advantageous. Resources are included for personnel, transfers, contratual services, equipment and supplies necessary to staff and operate a Federal Law Enforcement Training Center facility in Artesia, New Maxico.

*****...

In addition, program decreases are requested for the Immigration and Naturalization Service to meet budget targets established by the Administration.

*Included in the program decrease request are reductions of -2 positions, -2 workyears and -\$20,000 due to savings from A-76 management and productivity improvements.

	Perm. Perm.	M Amount 224 \$54,077 224 \$54,077 15: e.g., provf 15: e.g., provf 15: e.g., provf 16: e.g., provf 16: e.g., provf 16: e.g., provf 16: e.g., provf 16: e.g., provf 16: e.g., provf 16: e.g., provf	Perm. W. Amou Pos. W. Amou 7 215 198 582,1 7 216 198 582,1 Corfe a comprehensive to the Strategic Plan f unport all of 1887 inf	MY 198 198 198 199 189 189 189 189 189 189	1990 Estimate Os. MY Amount 215 198 \$52,117 to increase the effici e a comprehensive and es Strategic Plan for II et all of INS' informative in the II of INS' informative in the INS' informative in Strategic plan for II	Perm. Pos. -25 - coherent coherent conversation needs	Decresse is -26 and effectent framewithou Systems and of the Systems of the Systems Sy	Decrease Perm. 11 Amount Pos. 12 -26 -51,960 13 and effective Pomation Systems; n needs: produce not end electro-
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Major Objectives:

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying ADP-based systems and databases.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

Install INS' major mission and management oriented systems throughout the Service.

Improve the efficiency and effectiveness of voice and data communications.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

Provide artificial intelligence software technology to develop expert systems to support the littgation, adjudication, and investigative functions.

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Provide automated intrusion detection capabilities at selected Border Patrol sectors consisting of a variety of sensor and imaging equipment with centralized amoltoring at the sector for dispatch and reporting purposes.

Provide an effective maintenance program and equipment replacement and upgrade schedule to ensure effective continuity of operation of data, communications and electronics capabilities.

Base Program Description: The function of this program is to provide direct support to the Service's operational organizations as well as administrative and support functions in the areas of ADP, radio, and electronics systems. This includes: [1] improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; [2] providing for the operation of data communications networks; [3] maintaining the cost effective production and issumce of secure allen identification cards; and (4) providing addition, communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems.

Accomplishments of the Data and Communications Systems program:

1. ADP SYSTEMS

1. Systems Planning--

The 1990 request represents the third year for the IMS automation program as defined in the Automated Information Systems (AIS) Stategic Plan. Accompliaments include a software development contract that was awarded in 1988 to support software deeps opened and an intensee needs of IMS and several ADP handware procuremnit; including three major purchases of ADP workstations in 1988 and 1999 that will provide ADP equipment to support processing needs. Department of Justice computer centers continue to be the primary facility for centralized ADP processing for the Service.

2. Systems Operation--

The following operational systems have been recently expanded and/or proliferated and support 200 INS sites: (1) the Central Index System houses records for over 25 million individuals and supports state government access to the SANE program; (2) the manageral information system currently maintains over 80 million records on the 64th base; (3) the caseover systems; (4) the beportable Alien Caseover and the Maturalization Caseover Systems; were proliferated to additional sites; (4) the they could subsystems of the Saverier's Fancies Management Information Systems; (5) the related particles farmed by states; (4) the related particles farmed by states; (5) the related of Systems; (5) the related of Systems; (5) the related of Systems; (6) the related of Systems; (7) the related of Systems; (8) the related of Systems; (8) the related of Systems; (8) the related of Systems; (9) the related of Systems; (9) the related of Systems; (9) the related of Systems; (9) the relating and Forest Systems; (9) the relating and Forest Systems; (9) the relating and several systems; (9) the relating and several systems; (9) the relating and several systems; (9) the relating and several systems; (9) the relating and several systems; (9) the relating system; (1055). A fraud detection models under Okisis was refined and enhanced. Development of other enforcement systems to support Employer Sanctions was initiated.

A data entry and files and mail management contract was renewed in 1988 in support of LAPS, Phase II.

Contracts were competitively acquired in 1987 and 1988 for ADP equipment in support of IRCA responsibilities and include the acquisition of main-computers and terminals for the Regional Processing Facilities and portable airro computers for the mabile legalization offices, and deat top micro-computers for field Legalization offices to support the tracting of application and see excepts accounting.

11. ALIEN DOCUMENTATION (ADIT)

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in 1987 and 1988, a new facilities management contract was implemented when the limigrant Data Collection (IMDMC) operation was marged with immigration card Facility (ICF). A contract to upgrade the ICF card production equipment was awarded.

111. DATA COMMUNICATIONS

The Service's data communications methork (INSINC) has been expanded to 200 of INS' field offices allowing for Namediate access to all least two non-INS information success to at least two non-INS information sources—the Mational Lew Enforcement and Tell Secommunications System (NLETS), which provides information from state law enforcement systems, and the FBI's Mational Crime Information Confer (NCIC), which provides information from state law information an unstail missing and unidentified persons; stolen vehicles; stolen guns; other stolen property; and individual criminal histories.

IV. ELECTRONICS SUPPORT

1. Radio Systems --

The Southern California Microwave System is the microwave backbone established under an 185/FAM interagency agreement. Implementation of the microwave spreament. Included and the southern California segment (Los Angeles to Arizona) are continuing. Installation of the Dallas-Sam Antonio-Houston microwave system is continuing and work on the West Texas segment has been initiated. A substantial mobile radio initiative is undervay.

2. Survaillance Systems:-Contracts for both land mobile infrared imaging equipment with remote image TV and airborne Forward Locking Infrared (FLIR)

Contracts for both land mobile infrared imaging equipment with remote image TV and airborne Formard Locking Infrared (FLIR) imaging equipment have been bearded. Lock-Light-Level TV (LLLTV) Systems are being expanded to additional border patrol sectors. Individual agent, night vision scopes for field use are part of the fitusion detection initiative. Closed circuit TV systems at service processing centers are also supported by this program.

The CADRE system, providing sensor and dispatch functions, has been installed for use at 8 Border Patrol Sector headquarters. Software development for enhanced capabilities continues.

3. Systematic Alian Varification for Entitlement (SAVE) Program--

The SAVE Program, standardized since October, 1985, is now available to all states for allen benefit veriffication.

Program Changes:	1990	9996	1	199	100	ante.		ă	:Losso.	
	Pos. W Amount	딝	Amount	ż	S	MY Amount Pos. MY Amount Pos. MY Amount	Š	텋	Amount	
Date and Comunications	240	224	\$54,077	215	198	\$52,117	ģ	-56	-\$1,960	
The state of the s	1	j	A 444		4444	Semilar a		1	, staneate to	;

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Program decreases are requested for the immigration and Maturalization Service to meet budget targets established by the Administration.

*in addition..a savings from A-76 management and productivity improvements of -2 positions, -2 workyears and -\$20,000 is included.

350	(Y Amount	130,41-11	gencies on isions and	States law s of 180A. so); ensure seling that management and imple-
Deci	Porm. Pos. III Amount	-216 -14	verment a IRCA prov	ther United and In-hour ring and mor respondence to initiate
stimate	Amount	549,113	ite and go including	ments and o contractor contractor lo engines all and contractor
1990	Perm. Pos. W	1,137 1,219	to the pub digibility,	rating compound of alien of systems of informati improve m
Pese	Amount	6 \$53,134	ul manner fits and o	to IMS' ope of the state S'information principles -integrity.
1990	Perm. Poss. III Amount Poss. III Amount Poss. III Amount Poss. III Amount	1,353 1,36	d profession tetus, bem	ide support mants seeki mated by IR i and apply area of data olding mail
1990 Appropriation Anticipated	Amount	\$47,330	timely am tivities, s	pred to proversite data general data general records records and and or he oughout INS.
O Appro	与	1,360		re cycle
199	Perm. Pos.	fformation & Records Management	Long Range Goals: Provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including IRCA provisions and initiatives.	Administer a Servicewide Records program designed to provide support to INS' operating components and other United States law enforcement specifies under the provisions of IMA. Ensure the reliability of automated and manual data penetrated by INS information systems (contractor and in-house) ensure efficient records management in the INS exclude by INS information systems (contractor and in-house) ensure efficient records management in the INS excludes and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data-integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.
		Information & Records Management	Long Range Goals immigration procinitiatives.	Administer a Ser enforcement agen Ensure the relia efficient record contribute to co practices by inc

Mejor Objectives:

Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions. Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries received from the public within 15 minutes and all written inquiries received from the public within 15 minutes and all written inquiries received from the public within 10 days.

Provide complete and accourate information to the public in a timely and professional manner.

Maintain a reliable and accessible Nationwide Reform Act "800" telephone information service.

Develop and install advanced automated telephone systems to improve the public's access to immigration information. Reduce records holdings and dependence on hard copies.

Respond to information and status requests from the public. INS operating components, state and local governments, law enforcement agencies, and other Federal government agencies.

Improve the control, accountability and availability of INS records through increased training, technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of automated records systems and resources and ensure that IMS responsibilities related to automated records systems contribute to the quality integrity of the system databases.

Ensure the accurate and timely issuance of Service regulations, directives, operating instructions and forms.

Comply Servicewide with statutory and regulatory time limits for responding to FDIA/PA requests.

Comply Servicewide for the proper maintenance, uses, and timely publication of Federal Register notices of Privacy Act records systems.

improve Servicewide workload date and productivity measurement.

Ensure timeliness, quality and completeness of all statistical data produced by the Service.

Develop, analyze, and publish timely, high-quality immigrant and non-immigrant statistics in annual statistical yearbooks and special bullstins.

Establish and maintain Ifaison with Federal and state agencies, and national and international organizations involved in the collection and/or analysis of immigration-related statistics.

conduct statistical analyses and prepare reports for policy making at agency and Congressional levels.

Conduct Information Resources Management reviews of major automated systems and services.

Base Program Description: The functions of this program are to (1) provide responses to inquiries from the public and Oprivate sectors; local, state and Federal Government agencies; and the various branches of government, by telephone,

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in-person, and in writing, (2) maintain alien records and files from which data may be readily obtained to respond to requests (4) compile, analyside the Service, (3) develop quidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyses and evaluate statistics for use in preparing regular and special reports about Service operations and nork accompissments; (5) provide for the confination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in excendance with established federal regulations and laws; and (6) monitor and ensure internal compilance to standards for systems and service delivery.

Accomplishments and Morkload: Accomplishments of the information and Records Management Program are presented in the follow-Ing table:

371	1967	<u>s</u>	1989 1990	1990
Information Services: On-Hand/Receipts - Correspondence	374,754 348,592	428,721 409,253	525,000 500,000	525,000 475,000
Ast lamigration Telephone System. Immigration Telephone System (Other) Reform Act "800" Telephone System. In person.	3,263,231 1,464,423 1,055,483 4,848,211	4,575,277 1,344,163 1,467,246 5,138,967	5,250,000 1,250,000 1,000,000 5,500,000	6,000,000 1,200,000 750,000 6,000,000
Completions - Files created Records verification	662,012 708,119	833,048 629,161	1,000,000	1,000,000
others/PRC's and others/PRC's and others/PRC's and others/PRC's and other Processing	572,133 2,644,492 4,227,850 9,694,719	1,711,796 3,411,042 5,000,000 10,000,000	2,000,000 5,000,000 10,000,000	2,000,000 10,000,000 10,000,000
On Hand/Receipts - Freedom of Information Act & Privacy Act Actions Completions - Freedom of Information Act & Privacy Act Actions	27,783	34,652	36,000	40,000
Statistics: Edited and validated Reports Completed	27,600	27,600	27,600	27,600

The 1988 workload figures for the category of Inquiries reflects the actual workload accomplished in 1988. The estimates for 1989 and 1990 are reduced from the original estimates in the President's budget because of lower than anticipated receipts in 1988.

Sec.

Through September 1988, totally automated Ask immigration (KI) systems were operating at 36 field offices, an increase of 17 over 1397. A completely automated floral flow increasion system provided information on all major provisions of IRCA to over 1,400,000 callers from the 50 states, Puerto Aftco and the Virgin Islands. Six sites have immigration Direct Information Access Lines (IDIAL) for the walk-in public to select AI information.

Service Service The Alien Files Accountability and Control System (AFACS) was installed in five additional field offices, thus expanding the control to 7,300,000 or almost 70 percent of all active alien files.

Program Changes:	SI O	8	1990 Base	6	EST	utes		Decres		
	8	텋	Amount	8	뒼	Pos. MY Amount	S S	도	Pos. MY Amount	
Information and Records Management	1,353	1,360	\$53,134	1,137	1,219	1,219 \$49,113	-216	Ę	-\$4,021	

Because this program greatly supports the Adjudications and Maturalization program, the establishment of the Immigration Examinations fee, in addition to embhancements in autumated systems, will enable the Information and Records Management program to augment its resources and realize some efficienties and productivity improvements. Thus, program decreases can be achieved in order to meet budget targets established by the Administration.

* In addition, a savings from management and productivity improvements of -88 positions, -68 workyears and -\$768,000 is included.

	1989 /	1989 Appropriat	8		990 Base			1990 Estime	imite		ec Les	2
	9	딬	MY Amount	P05.	닠	MY Amount Pos. MY Amount	5	턻	Amount	Pos. MY Amount	덬	Amount
Intelligence	92	23	55 53 \$2,632 55 53 \$2,846	55	53	\$2,846	23	5	50 51 \$2,735 -5 -2 -\$111	ş	~	-\$111
Long Range 6021: Davelop an international immigration intelligence capability for the collection and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS' operational components for enhanced effectiveness and efficiency.	Internati Igration for enha	onel pette	immigration rns and tree offectivenes	intelli ds. and	Providence Providence	capability le meaning Cy.	fer th		lection a	nd disser	gular	o of basis

Objectives:

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components. Provide strategic intelligence assessments to INS management for consideration in short and long-tarm operational planning. Maintain listion with appropriate United States and foreign government agencies on immigration and National security matters including the moreometr of known or suspected international terrorists. Furnish assistance to international law enforcement agencies and international air carriers.

∴ śr"°, Provide technical support and assistance in the prosecution of major document counterfeiters, alien saugglers and other violators of the immigration and Mationality Act and new provisions of IRCA.

Act as coordinator for the Operational Activities Special Information System (OASIS), a Servicewide intalligence computer system.

<u>Base Program Description</u>: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the <u>lamigration</u> and Mationality Act, and assists other Federal agenices in addressing Mational security issues. In Service's accument aboratory is a critical component of the program. Intelligence support contributes to efforts almod at preventing the entry of illegal aliens, terrorists and marcotics traffickers, and in detecting fraudulent documents, allen saugggling, false claims to citizenship and other frauds.

Accomplishments and Mortlead: Accomplishments of the Intelligence program are presented in the following table:

;			;			Est feet	:	
Ites			1887	288	8		X)	
Cases received for examination of fraudulent documents			575	935	1.500		1.900	_
Cases completed for examination of fraudulent documents.			575	90	1.000		1.20	
nputs Pro			26,200	18,418	20,000		22,000	_
Queries of INS Databases at EPIC		:	31,700	24,655	8	-	8 8	_
to Queries			9 300	3,893	4 ,000		9	_
Program Changes:	1990	1990 Base	61	O Estimates		4	Decresse	
	Pos Se	M Amount		Pos. M Amount			ϳ	Amount
Intelligence	92	53 \$2,846	25	51 \$2,735		ş	~	===

Program decreases are requested for the Immigration and Maturalization Service to meet budget targets established by the Administration.

		Appropri	e i s		990 84		199	Est fe	110		ecrea	
	S S	듴	Amount	2	딬	Amount	Pos.	딬	Amount	i so	M Amount	Mount
Research & Development	-	•	\$232	•	+	\$541	•	•	\$637	:	∵	×.

<u>Long-Range Goal: Improve INS' capability to rapidly, reliably, safely, and economically detect and apprehend illegal entrants. Provide technological guidance in support of all IMS operations.</u>

Najor Objectives:

Research, develop, apply, and evaluate surveillance technologies and systems to more effectively cover alien and related drug intrusions over thousands of miles of border with emphasis on automation, reliability, and low cost.

Davelop methods based on statistical tachniques to support Service operating programs in detecting illegal alien and drug related samggling, setting bond levels, minimizing costs of detention and deportation, and detecting marriage fraud. Provide lision with the Federal, industrial, and university research and development communities to stimulate, maintain, and integrate technical work relevant to high priority interests of INS.

Base Program Description: The function of the Research and Development program is to examine problems of the Sarvice and to develop new or adopt existing technologies for their solution. The objectives of this program are pursued through in-house, contract, interagency agreement and information interchange activities. These activities cover signal processing rader, infrared imaging, low light level video, stationary and mobile platforms, communications, microprocessing, and systems analysis.

and systems analysis.

Accomplishments:

The final year of a three year research grant was completed by the University of Texas at El Paso for adapting software and hardware to provide automatic means of interpreting video images and tracking images of interest, thereby removing the need of manned video terminals for surveillance purposes.

Mork is being completed on the modification and fabrication of 15 Improved Image Enhanced Vehicle Systems (IIEV). This is a joint INS/DOD project.

The Service is investigating the feasibility of a new approach to infrared imaging in which high quality images are obtained through low cost, and long established techniques.

The Service is applying artificial intelligence and linear programming techniques as they relate to law enforcement and adjudications programs in traffic checking, bond settings, and marriage fraud.

IMS completed the first of a three-phased project to develop an uncooled infrared device in conjunction with the Defense Advanced Research Projects Agency and the Army's Night Vision Laboratory.

New technologies concerning automated fingerprint information systems and their applicability to specific IMS operations are being reviewed.

The first stage of an optimization study in association with Detention and Deportation to determine the most effective manner in which to transport detainees on Service aircraft has been completed.

Program Changes:	Perm.	8	1990 Base Perm.	1990 Estimates Perm.	Est	stes	Perm.	Decre	Decrease Perm.	
	P05:	닠	Amount	Pos.	덬	Amount	Pos.	닠	Amount	
Research & Development	•	•	\$541	•	•	\$537	:	:	ş	

Program decreases are requested for the Immigration and Maturalization Service to meet budget targets established by the Administration.

	1969	1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100	Rac		-	90	4	_	3	:	
	Perm.			Perm.			Per			Per.			
	Pos.	듸	Pos. Mr Amount	Pos. IT Amount	딬	Amount	Pos.	뉰	Pos. W Amount	Pos.	닐	Pos. WY Amount	
Construction & Engineering	~	2	9 17 18 \$6,849 17 18 \$7,062	11	8		12	92	15 16 \$6,980	-2 -2 -\$82	ņ	785	
Long Range Goal: Provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act and the provisions of IRCA, and to provide maximum service to the public.	nate fac	ity A	s for all ct	INS operation	\$ of c	IRCA, an	that the	ž de	fulfill ti Mxfmum se	veir requi	5 E	ts bld:	

Mejor Objectives:

Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

Base Program Description: The function of this program is to provide for the acquisition, design, construction, alteration, repair, and anapagement of all buildings structures, and facilities for which the Service is the holding or lessing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS built and subsequently owned construction, by joint INS/usitumes Service construction and through assignment by alroar authorities. New inspection Accilities are coordinated as mecessary with the Customs Service, bublic Health Service, Department of Administrated, state, county, local, afroport and foreign authorities. Office space requirements are coordinated with GSA,

Accomplishments and Morkload: Accomplishments of the Construction and Engineering program are presented in the following table:

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Si Si	Y Amount			
15	96.980	2-		
	60 1990 Estimates 18. M Amount 5 16 \$6,980		60 Perm. Pos. MY	60 60 Perm. Perm. Post. MY Amount -2 -2 -882

Program decreases are requested for the Immigration and Naturalization Service to meet budget targets established by the Administration.

=	Pos. III Amount	\$7.5
Secretary.	Ē	≓
	Pos.	-30
Hte	Pos. Mr Amount	
E81	닠	278
861	•	
3	Amount	318 289 \$18,525
900	딬	583
- La	P05:	318
riation	Pos. M Amount	\$17,243
389 Appropriat Anticipated arm.	ϳ	583
1989 Ferm	Pos	318
		& Support
		gement
		Field Man

Long Range Gog]: Provide management direction to field units that implement major policy and management decisions for more program.

Major Objectives: Issure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs.

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Accomplishments:

The measuring instrument used for this program is the feedback received from the managers at INS' Central and regional offices, the Department of Justice, the Office of Management and Budget, Congressional delegations, members of the general public, and INS employees at all levels.

These officials oversee all facets of INS operations. They played a prominent role in the implementation of the Immigration Reform and Control Act of 1986 which was the most comprehensive reform of the Nation's immigration laws in over 30 years.

Program Changes:	-	1990 Be	35	6	Est	ţţ	a d	Decre	2	
	Š	닠	Amount	3	딬	Amount	8	닠	Amount	
Field Management	318	583	\$18,525	882	8/2	\$17,747	93	₽	-\$778	

Program decreases are requested for the immigration and Maturalization Service to meet budget targets established by the Administration.

	¥	it icipa	nticipated	1	990 Ba	1990 Base		990 Es	1990 Estimate	ă	Crea	
	Perm.	À	Perm. Perm. Perm. MY Amount Pos. MY Amount	Perm. Pos.	4	Amount	Pere.	4	Perm. Pos. MY Amount	Perm. Pos. MY Amount	Š	Amount
Legal Proceedings	613	516	613 516 \$25,450 613 516 \$29,462 547 466 \$28,685 -66 -50 -\$777	613	919	\$29,462	25	\$	\$89'82\$	\$	ક્	-\$111
Long Range Goal: To provide legal representation for the United States Government in all cases and matters arising before lamigration budges and the Board of lamigration Appeals; represent INS in all other contested administrative hearings in which the agency is involved, provide legal device and support to INS operating personnel; represent INS in all cases being tried in the Federal courts, and consult, train and provide strategic support for interagency efforts in combatting the drug threat to the Nation posed by illegal alien criminals.	ovide leg	sentati gratio palado t. trai	on for the n. Appeals; ice and suj in and pro	United represent poort to	States ent INS INS of	Government in all perating support	other columniate of the column	1 case ntested i repr	s and matte administrated sent 185 y efforts	attive he attive he in all cu in comba	tting be	fore s in eing the

r Objectives:

Provide training for attorneys and enforcement personnel in employer sanctions.

Represent the Service before administrative bodies and Federal courts in amployer sanctions matters.

Provide litigation and consultation support to interagency task force operations to effect the expeditious deportation of criminal allens and thereby reduce costs of incarceration.

Provide litigation assistance in Federal and local drug and organized crime task forces.

Provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation.

furnish legal counsel and training in immigration law for enforcement officers of state, local, and other Federal agencies for identification and expeditious processing of allen drug traffickers and criminals.

Base Program Description: INS attorneys repretent the Service before immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and Boards of Contract Appeals. The program provides in Integration support in depeny litigation being conficted in United States District Courts, Courts of Appeals, and the Suprame Court. Attorneys advise the Central Office, Regional Commissioners, District Directors, and Border Patrol Sector Chiefs regarding legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

<u>Accomplishments and Nortload:</u> Accomplishments of the Legal Proceedings program are presented in the following table.

			183	metes
	Ř	9047		
Irial Attorney Appearances	211,602	196,789	280.000	252.000
Casos Prepared	173,711	197,474	280,000	262,000
Preparation of Legal Briefs	10,808	16,199	23,000	82.00
Cedel Consultation	122,999	142,202	200,000	180,000
Collection of overdue debts (\$'s)	\$6,750,000	\$16,100,000	\$10,000,000 1/	\$10 000 015

1/ It is presumed that the total amount of debt that can be collected will decline not only as result of previous successful efforts of the unit.

Other accomplishments include:

Employer Senctions. The General Counsel's employer senctions program has achieved major accomplishments including (1) establishing Highston teams nationaide to handle senctions matters; (2) providing in-depth training to the atterneys; (3) writing an employer sanctions religation manual which covers every aspect of an employer sanctions case; (4) creating a comporterized employer sanctions system and manual to assist trial atterneys and support staff in efficiently and properly preparing cases; (5) creating an employer sanctions legal advisory committee, composed of atterneys working in

the field; (6) assisting in the creation of the Officer's Field Manual for Employer Sanctions; (7) assisting in creating the video tage "Complying with the New Immigration Law"; (8) creating the nationaide Sanctions Newsletter; (9) providing it is littigated.

Debt collection and debt prevention. During 1968 the Gameral Counsal's Debt Collection Section collected a record of \$15,100,000, \$60 percent of Milch was for breached surety bonds. Four companies that wrote immigration house are now in Iquidation, resulting a loss of \$11 million to IMs. Efforts are being made to recover some of this loss from insolvent companies and the court appointed Iquidators. The recovery cost in 1968 was three cents for each one dallar collected, expected to increase.

<u>Automation.</u> The General Counsel's Office has installed the Automated Management information Civil User System (AMICUS) throughout the Service. INS attorneys and support personnel benefit from computer word processing, legal research, and file transfer capabilities equal to that evailable to competitor law firms.

| Program Changes: | Perm. | 1990 Base | 1990 Estimate | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Majount | Post. | M. | Amount | Post. | M. | Amount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Majount | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm. | Perm.

Program decreases are requested for the Immigration and Maturalization Sarvice to meet budget targets established by the administration.

In addition, a savings from management and productivity improvements of -13 positions, -13 workyears and -\$110,000 included.

Activity: Program Direction	198	Ant icis	priation ated		1990 B	156	5	O.Esti	E to	-	2	
	Ė	덬	Amount	Pera.	넒	Amount	Pos.	덬	Amount	Perm.	뒼	E
Executive Direction and Control Administrative Services Total		2.28°	104 154 \$9,655 458 445 30,568 562 599 40,223	265 267 267	222	104 93 \$6,727 98 81 458 439 34,201 408 402 - 562 512 40,928 506 483 -	8 3 8	15 00 00 00 00 00 00 00 00 00 00 00 00 00	98 81 \$6,196 408 402 32,112 506 483 38,308	-6 -12 -55 -50 -37 -2.0	255	\$ 500
This activity provides for the overall administration and management of the Service.	overall a	dednist	ration and	1000	ent of	the Servic	å					

\$ 15800 \$ 2800 \$ 2000 \$

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Post MY Amount Post MY Amount Post MY Amount Post MY Amount	Pos.	S	Amount	Pos.	덬	Amount	Pos.	S	Amount	Pos.	S	mount
Executive Direction & Control	ğ	2	\$69,6\$	\$	8	\$6,727	*	8	\$6,196	٩	7	-\$531
Long Range God: Increase the effectiveness of INS through the use of Mission Plan goals and strategies; formulate and constitute and strategies; formulate and	fectiven	ess of	INS thro	igh the	ise of	Mission	Plan go	ls and	strategies;	Fo	ate.	2

Long Range Gabl: Increase the effectiveness of IMS through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all lavels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives:

Provide for continuity, coordination and control of the overall management and administration of IMS.

Direct Servicewide policy and implementation responsibilities.

Implement Immigration Reform.

Improve agency responsiveness through continued enhancement of management systems including:

- maintaining and rafining delegations of authority and requirements for accountability for Mational policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
- continuing to emphasize and institutionalize IMS' Management by Objectives (RBC) system with further integration
 between mission and priority planning and systems of resource allocation and control; and
 - continuing rapid development of information systems to meet the needs of INS management and Mational ismigration policy formulation.

Increase leadership in the formulation of Mational immigration policy.

Mate Program Description: The function of this program is to effectively execute the provisions of the immigration and Mationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) providing neterctive direction and control of the Service (2) providing nanegement to the Service in the areas of legal counseling, legal opinions, contracting, Equal Employment Opportunity and Hightion; (2) furnishing accurate and prompt responses to Congressional and public inquiries; (4) administer and maintaing an effective budgeting system; (5) developing and evaluating policies and systems to improve the effective of Service programs; (6) conducting investigations of allegations of employee misconduct; and (7) making on-site evaluations of the consistency and efficiency with which Service operations are being performed.

<u>Accomplishments and Workload</u>: Accomplishments of the Executive Direction and Control program are presented in the following table:

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Ite	1887	1988	886	1990	
Congressional Affairs: Telephone repiles.	23,108 6,160	26,068 5,687	25,000 6,000	28,000 6,000	
Professional Responsion 11ty: Major cases received	2 4 2	689 471	2450 238	::	
Field inspections and awdit: Field inspections and audit reports production Exernal audit reports responses	97 52 53	22	===	::	

 The Office of Professional Responsibility and the Office of Program Inspections will be transferred to the DOJ Inspector General's Office during 1989. These workload indicators represent a full year's performance.

Program Changes:		1990	3	\$		150		Decres	ا	
Perm. Pos. M. Amount	Peri.	털	Amount	Pera.	뉰	Pos. M Anoint	2 2 2 3	Pos. W Amount	Amount	
Executive Direction and Control	ĕ	. 8	\$6,727	*	æ	\$6,196	Ģ	. 7	-\$531	
Program decreases are requested for the immigration and Maturalization Sarvice to meet Judget targets established by the Administration.	ē ē		igration	and Matu	ralizat	ton Service	2	eet budg	et targets	established by the
The required 10 percent reduction of \$230,000 in the legislative and public affairs program element has been redistributed to other areas within Executive Direction and Control.	tion of ve Direc	\$230,0 tion an	00 in the	legislat	fve and	public af	2	rogram (lement has	been redistributed

 <u>Long Range Goal:</u> Provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

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Provide personnel and equal opportunity support services and program direction on a timely basis.

Provide accounting support services and program direction on a timely basis.

Provide property management, procurement support and program direction on a timely basis.

Provide overall management direction and control for all management programs and the full-range of security, safety and health support activities.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and pervision of administrative support systems and services that met internal operational and managerial needs and external pervision in managerial needs and property managerest; The major functions within this program include: personnel; accounting; EEO; procurement; property management; fleet management; security and health; and other miscellaneous general services which benefit all programs within INS.

Accomplishments and Norkload: Accomplishments of Administrative Services program are presented in the following table:

Item	1987	861	1989	1990
Personnel Actions Bills Vociber	64,731 67,606 172,971	72,245 51,694 201,148	108,368 57,000 203,000	162,500 62,550 205,000
etc. (5000's)	269,700	508'595	400 °000	510,000
Assistance to Management Officials	367	420	85	3

* Decrease due to termination of temporary resident phase of the Legalization program.

Major areas of emphasis have been improved. More effective management of the agency and enhanced operational effectiveness have been achieved through the concentration of effort on high priority activities and leadership for National immigration policy.

48

Program Changes:		990 Base		19	1990 Estimate	ite	1	Decre	986*	
	Pos.	¥	MY Amount	Pos.	S	Pos. W Amount	P05.	닠	MY Amount	
Administrative Services	4 58	\$	458 440 \$34,201	408 403 \$32,112	6	\$32,112		.37	-50 -37 -\$2,089	
Program decreases are requested for the Immigration and Naturalization Service to meet budget targets established by the Armistration. These reductions are possible due to increased efficiencies resulting from improved automated support sections.	d for the	Immigra xossible	tion and Na due to inc	turalization reased effici	Service	to meet resulting	budget ta from im	rgets	nstablished by the	

* In addition, a savings from management and productivity improvements of -8 positions, -8 workyears and -\$66,000 is included.

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Immigration and Naturalization Service Salaries and Expenses, immigration and Naturalization Service Justification of Multi-Activity Program Decreases (Bollars in thousands)

Item of decrease: Savings Resulting from Management and Productivity Improvements

	Management	Management & Productivity Reductions	ty Reducti
Program	Pos.	١	Amount
Border Patrol	8	8	-\$791
Ant i-Saudo ling.	÷	ę,	7
Detention and Deportation.	-57	-57	-536
Adjudication and Maturalization	22.	-52	-193
Training	76	-5	-50
Data and Communications.	~		Ş
Information and Records Management.	8		-768
Legal Proceedings.	÷	-13	017-
Administrative Services	9	۴	99-
Total	-25.7	.77.	116

As a part of the Administrative's continuing commitment to implement management and productivity improvements, a savings of try. The same level of services will be possible by contracting out certain services to private industry. The same level of services will be maintained. The savings are distributed among the IMS Programs as indicated above. The services that will be studied for possible contracts with private industry include automotive, heavy equipment, janitorial, maintenance, data input and general clerical support work.

Immigration and Naturalization Service Salaries and Expenses, immigration and Naturalization Service Justification of Multi-Activity Program Decreases (Bollars in Thousands)

Item of decrease: Program Reductions

Program Reductions	Pos. M. Anount		-462 -323	97.	-36 -13 -632	- 1		-12 -7	=	-53 -54		?- \$-	***	~	2	-63 -37	-15	-42 -29	-1,398 -664 -28,953
Progress		Inspections	Border Patrol	Investigations	ARTI-MUSSITING	Employer and Labor Relations	Adjustions and Naturalization	Refugees and Overseas		Data and Commelcations	information and Records Management	Intelligeste	Research and Development	Construction and Engineering	Field Management and Support	Legal Proceedings	Executive Direction and Control	Administrative Services	101010000000000000000000000000000000000

Program reductions are requested by INS is order to meet targeted budget levels established by the Administration and to find approximately \$15,000,000 in amediator increases. These reductions are possible due to the implementation of the receipt accounts, such as the inspections User Fee, Legalization Fee Program and Examinations Fee, and increased productivity and efficiency in anioncoment programs.

All programs will be reducing personnel and benefits costs. In some cases resources devoted to program operations will also be reduced. These changes will be made in conjunction with improvements in resource management and productivity so that there will be no decilient in program aperformance or service to the poblic. In the investigations, Detention and Deportation, and Deportations programs some equipment purchases will be delayed. This will not seriously affect operations. Programs productivity will be maintained.

Immigration and Naturalization Service
<u>Salaries, and expenses</u>
<u>Financial Analysis - Program Changes</u>
(Dollars in thousands)

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1 35 7 242	35/6H-13.		\$41	-	7	::		: :	:
4 115 2 58 -2 -513 -4 11 24 9 215 -78 -428 12 48 9 215 -78 -428 189 1,561 17 408 130 2,524 24 700 -90 -466 5 -65 1,248 -12 -350 65 1,551 12 400 -90 -466 5 -65 1,681 12 44 1,81 1,81 144 1,371 44 1,371 44 1,371 44 2,575 12 1,356	20.12	-	ž	_	242	:	:		:
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130 2,524 24 700 -90 -486 -5 -1,246 11,2 300 157 65 11,551 12 400 -90 -643 -5 1,881 1,881 144 1,371 44 3,376 12 1,356 -90 -791 -5		_	ľ	L					
65 -1,248 -12 -350	al positions and annual rate		2,524	2	8	8.	984	Ģ	၉
65 1,551 12 400 -90 -643 -5 148 1.881 144 155 148 148 158 1.881 185 185 1586 -90 -791 -5			-1,248	-15	-320	:	:	:	:
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1,881 1,883 -148 1,981 1,381 1,385 1	al workyears and personnel compensation.		1,551	12	9	8	2	å	-35
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1,371 14 3,376 15 15 1,356 -90 -7915	ms., Util., Misc. Charges	-	165		91		:		:
3,376 11 65 9,275 12 1,356 -90 -791 -5	ler services	-	1,371		\$:		:		:
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65 9,275 12 1,356 -90 -791	11pment.	<u> </u>	3,3/0						•
	otal program workyears and obligations changes requested, 1990		9,275	21	1,356	ŝ.	-791	ŵ	-43
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Immigration and Naturalization Service

Salaries and expenses

Financial Analysis - Program Changes (Continued) (Dollars in thousands)

	Topoposent	n t & P	On Po.	1 4 4 5	- B	0 V @ M	n t s
	Detention &	Adjudications	7 Suc	udications & Training Data &	a ling	Data	
	Deportation	Naturalization	lon			Communications	ations
Iten	Pos. Amount	Pos.	mount	Pos.	Amount	Pos.	Amount
sold sold sold sold sold sold sold sold							
65/6H-14	:	:	:	:	:	:	:
6S/6H-13	:	:	:	?	-\$15	:	:
65-12		:	:	:	:	:	:
65-11		-15	-\$120	:	:	:	:
65-9	:	:	:	:	:	7	-\$16
02-8	:	:	:	:	:	:	:
65-7	:	:	:	:	:	:	:
65-6		7	-18	:	:	:	:
65-5	. 81-	:	:	:	:	:	:
65-4	7	:	:	:	:	:	:
65-3	•		=	:	:	:	:
Mage Grade Workers	-1	•	•••	•••	•••	:	:
Total positions and annual rate27	-27 -163	-22	-149	ņ	-15	-5	-16
Lapse (")		:	:	:	:	:	:
Other personnel compensation	-29	:	6.	:	-	:	:
Total workwars and nersongel convensation		-33	-152	?	91-	2.	-16
Personnel Benefits	7	!	7	1	7	1	7
Travel and transportation of persons	:		:		:		:
Transportation of things	:		:		:		:
65A rentacconsocrations and accommendation	:		:		:		:
Comms., Util., Misc. Charges	:		:		:		:
Cher Services	:		:		:		:
Supplies and materials	:		:		:		:
			I				
Total program workyears and obligations changes requested, 1990	-27 -236	-22	-193	~	8 -	~	-8

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Immigration and Neturalization Service Salaries and expenses Financial Analysis - Program Changes (Continued) (Dollars in thousands)

	Hanagenen	Management & Productivity Improvements	vity Inc	rovements	
	Information & Records	Proceedings	inos	Adminis	Moministrative Services
Item	Pos. Amount	Pos.	Mount	Pos.	Amount
- Carden					
GS/6F-14.	:	6-	-\$74	:	:
6S/GH-13	•	:	:	:	:
65-12	:	:	:	:	:
65-11	:	:	:	:	::
	:	:	:	~	-\$25
		:	:	:	:
	-52 -2506	:	:	7	-24
22-6	:	7	-12	:	:
22-20	:	:	:	7	ņ
65-4		:	:	:	:
99-	-98	:	:	:	:
Wage Grade Workers	***		:	:	:
		;	;		:
Total positions and annual rate	-88		ş	,	:- :
[abse (-)		:	:	:	:
Other personnel compensation	-12		-	:	-
Total unitimests and contones companyation 88	.88 -607	-13	-87	9	-52
Personnel Benefits	-	:	-23	,	71-
Travel and transportation of persons	:		:		:
Transportation of things	:		:		:
6SA rent	:	_	:		:
Comms., Util., Misc. Charges	:		:		:
Other services	:		:		:
Supplies and materials	:		:		:
rosessessessessessessessessessessessesses	•••		:		
Total program workyears and obligations,	90		5	٩	. 3
changes requested, 1990		_		?	3

Financial Analysis - Program Changes (Continued) (Dollars in thousands) Immigration and Naturalization Service Salaries and expenses

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•	Program Decrease To Meet Budget	8 C T & & S &	•	eet Budg	_	arget
	Inspections	Border Patrol		Investigations	Ant 1-	Ant 1-Saucel Inc
Item	Pos. Amount	Pos. Amount	H	. Amount	Pos.	Amount
Grades	,			•		
65/GM-14	•		-		:	;
6S/GH-13			-	: :		: :
65-12					7	-\$450
65-13		- 6-	2011-09	3,110	2	280
65-9	-122 -52,909	-407	_		;	
9.59		-14	-	:		:
65-7				: :	9	195
65-6		•		•	:	:
25-5	:	•	_		:	:
65-4	:	-9			7	-45
55-3			5-1	3.	:	:
Hage Grade Workers		-14 -336		·	::	:
			┝			
Total positions and annual rate122	-122 -2,909	-462 -10,872	·	-4,582	-36	-976
[dps (-)	2,199		<u>8</u>		ສ 	545
Other personnel compensation	-288	1.847	<u>≓</u>	27	:	-77
Total mortivears and nersonnel commensation	-34	-12.1		72.	-	113-
Personnel Benefits	-232	-1.728	. 28	8	:	ş
Travel and transportation of persons	-137		_	;		:
Transportation of things	:	_	_	:		:
6SA rent	-724	-637	=	629-	<u> </u>	-37
Comms., Util., Misc. Charges	9.	-	:	:		:
Other services	•	•	:	:		:
Supplies and meterlals	7	•	:	:		:
rdnibment	****	7	+	***		
Total program workyears and obligations				;	. ;	
Changes requested, 1990	-34 -2,130 -323	-353	:	907-	=	-632

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Immigration and Maturalization Service Salaries and expenses Financial Analysis - Program Changes (Continued) (Dollars in thousands)

Adjudications Adjudications 4 Adjudicat		Proore	•	0 5 0 0 2 0	•		9000	9 1 9 1	-
7681 Macurit Post Macurity Post Macurity Pos		Detention &		Employer & Labor Relat	tons	Matural	ations 4 ization	Refugees	605 J
-16 -51,154 -4 -5136 -64 -42,424 -6136 -15,424 -12,424 -13,786 -2 -82 -98 -1,490 -1,49	11.00	Pos. Amo	Ę	. Vec	ij	105:	Moont	P08.	Amount
-40 -41,154 - 4138 -64 -42,424 - 4138 -64 -42,424 - 4138 -64 -42,424 - 4138 -64 -42,424 - 4138 -64 -42,424 - 4138 - 64 -42,424 - 4138 - 64 -42,424 - 4138 - 64 -42,424 - 4138 - 64 -42,424 - 4138 - 64 -42,424 - 41,602 - 64 -42,424 - 41,602 - 64 -42,424 - 41,602 - 64 -42,424 - 41,602 - 64 -42,424 - 41,602 - 64 -42,424 - 41,602 - 64 -41,602 - 64	Grades							•	3
-115 -1,810 -2,28 -1,813 -2,28 -1,802 -2,18 -2,28 -1,802 -2,18 -2,28 -1,802 -2,18 -2	65/6H-14	:	:		:	:	:	?	·*
-16 -51,154 -4 -5138 -94 -52,424 -15,4	65/GK-13	:	:		:	:	:	:	:
-115 -1,610	65-12	:	:	~ ~	8			Ģ	-207
-115 -1,610	65-11	9	3		:	ź	-\$2,424	:	:
-115 -1,810	65-9		:	:	:	:	:	:	:
-115 -1,81028 -18 -28328 -18 -28328 -18 -28328 -18 -28328 -18 -28328 -18 -28328 -18 -28328 -29328 -29328 -29428 -28282828282828281,80228881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,802881,80288881,80288881,8028888881,8028888881,80288 -	65-8	:	:	:	:	:	:	:	:
-115 -1,610	02-7	:	:	:	:	:	:	:	:
-115 -1,810 -2 -28 -128 -285 -128 -285 -128 -128 -128 -128 -128 -128 -128 -128	0.2		::	:	:	::	::	:	:
-9 -127 -2 -28 -18 -18 -226 -9 -192 -1 -192 -1 -192 -2 -193 -172 -3,283 -6 -166 -120 -2,933 -172 -173 -4 107 22 2,038 -16 -631 -2 -70 -98 -967 -16 -189 -12 -12 -239 -273 -12 -12 -967 -273 -12 -12 -98 -967 -274 -189 -1892 -182 -98 -1,802	65-5	7	8	:	:	97	-283	:	•
-172 -1,283 -6 -1166 -120 -2,933 156 -120 2,933 2,933	65-4		12	~	-58 87	:	:	7	ş
-8 -192	65-3		_	:	:	8	-526	:	:
-172 -3,283 -6 -166 -120 -2,933 156 -2,755 4 107 22 2,038 -16 -631 -2 -70 -98 -967 -273 -12 -12 -239 -273 -12 -12 -239 -274 -12 -12 -12 -596 -50 -50 -12 -12 -596 -186 -2 -82 -98 -1,802	Mage Grade Workers		25	1	;	-	***	•••	=
-172 -3,233 -6 -166 -120 -2,333 -156 -131 -2 -70 -98 -967 -16 -631 -2 -70 -98 -967 -1729 -12 -12 -203 -1729 -12 -12 -203 -1729 -12 -12 -204 -1729 -12 -12 -204 -1729 -12 -12 -204 -1720 -12 -234 -1720		-			;		;	;	
156 2,75 4 107 22 2,038 -16 -631 -2 -70 -98 -967 -729 -12 -239 -50 -50 -12 -556 -50 -50 -12 -556 -1,185 -2 -82 -98 -1,802	Total positions and annual rate		200	-		22	-2,933	-12	9
-16 -51 -2 -70 -98 -967 -219 -219 -219 -219 -219 -219 -219 -219	[-apsa (-)		755	•	2	2	2,038	6	≩:
-16 -631 -2 -70 -98 -967 -239 -239 -239 -239 -239 -239 -239 -239	Other personnel compensation,				4	***	-12	1	7
-16 -3,786 -2 -82 -98 -1,802					Ş	8		•	346
-271 -586 -596 -596 -1,186 -2 -82 -98 -1,802	Descense the personner compensation		180		??	9	910	:	917
211 -211 -500 -500 -224 -1,186 -1,086 -2 -82 -98 -1,802	Table and tensorations of particular		220		;				
	The south this of this of persons of the south		;		- :		:		:
500 - 500 - 224 - 1,185 1,185 82 - 98 - 1,802	Trensporterion of things		:;		:				:
- 507 - 224 - 1,185 3,786 - 2 - 82 - 98 - 1,802	CON TRACTOR CAN DESCRIPTION OF THE CONTRACTOR CONTRACTO				:		060-		:
-224 -1,185 -1,185 -1,185 -2 -82 -98 -1,802	COMMITTER THE CONTRACTOR CONTRACT		33		:		:		:
-1,185 -2 -82 -98 -1,802	CCDET SETVICES		25		:		:		:
-16 -3,786 -2 -82 -98 -1,802	Supplies and meterials	•			:		:		:
-16 -3,786 -2 -82 -98 -1,802	Equipment	.1.	2		1		-		1
-16 -3,786 -2 -82 -98 -1,802	Total program wortvears and oblitoations		_						
	Changes requested, 1990	-16	786		8.	86.	-1,802	~	-361

Immigration and Naturalization Service
Selectes and expenses
Financial Anglysis - Program Changes (Continued)
(Dollars in thousands)

	Program Decre	8 D 8	c r e a l	0 0	H e e t	8 p q 8	1 1 1	1 0 6 .
•	- Pandada	١,	Data		ושנס	ormation &		
Item	Pos. Amoi	a la	Pos.	Amount.	P08.	Mount		os. Amount
Grades								
GS/GK-14	:	:	:	:	:	:	:	:
65/6M-13	:	:	:	:	:	:	:	:
GS-12		-\$277	:	:	:	:	7	-\$35
65-11	:	:	-23	\$:	:	7	\$
65-9	:	:	:	:	:	:	:	:
65-B	:	:	:	:	:	:	:	:
6S-7	:	:	:	:	-35	•29 5 •	:	:
65-6	Ţ,	=	:	:	:	:	:	:
**************************************	~	82-	:	:	:	:	:	:
	:	:	:	:	:	:	:	:
	:	:	:	:	×,	-1,203	:	:
Mage Grade Morkers	***	=	#	=	=		!	=
Total positions and annual rate		-323	-23		-128	-1,827	÷	-130
Lapse (-)		8	÷	_	2	-288	•	5
Other personnel compensation	777	2	1	£.	1	:11	-	9
Total workyears and personnel compensation	-	200	76-	128	Ę	29.102	•	48,
Personnel Benefits		-165		66		387	•	:
Travel and transportation of persons		:		:		:		:
Transportation of things		:		:		:		:
GSA rent		φ		÷		-674		ő
Coums., Util., Misc. Charges		:		::		:		:
CENET Services		:		-130		:		:
Supplies and materials		:		:5		:		:
		†		3				
Total program workyears and obligations			;		,			
changes requested, 1990	·	184	-24	- 940	ŝ	-3,253	~ —	₹
			-					

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immigration and Maturalization Sarvice
Salaries and expanses
Financial Analysis - Program Changes (Continued)
(Dollars in thousands)

Item Pos	Development	Factoring	Managent		8691 6016	Proceedings
	s. Amount	Pos. Amount	Pos. Amoun	MU	P01.	Amount
irades						
GS/GH-14		:	:	:	ş	-\$1,846
65/6H-13	÷	:	:	:	:	:
65-12	:	:	:	:	:	:
65-11	:			-	:	:
65-9	:	-5	?	Ş	:	:
65-8	:	:	:	:	:	:
65-7	:	:	:	:	:	:
65-6	:			:	:	:
65-5	:	:	-58	- -	-15	-236
65-4	:	:	:	:	:	:
65-3	:	:	:	:	:	:
Wage Grade Morkers	***	***	***		***	:
Total positions and annual rate	e.	-2	90	-489	2	-2.082
_	•			5	2	1,602
Other personnel compensation		2		-26	: :	9
lotal workyeers and personnel compensation	ç	-5	-	-573	.3	-486
Personnel Benefits	7	÷		*		-10
ravel and transportation of persons	:	:	•	:		:
ransportation of things	:	:	•	:		:
GSA rent	:	 9.	•	- 61:		7.
Comms., Util., Misc. Charges	:	:	•	:		:
Other services	:	:	•	:		:
Supplies and meterials	:	:	•	:		:
tquipment		444	-	1		
Total program workyears and obligations changes requested, 1990	7	-2 -82		-378	.37	-667

Salaries and expenses

Einancial Analysis - Program Changes (Continued)
(Dollars in thousands) Immigration and Naturalization Service

	Executive Direction	₹		Total
Item	Pos. Amount	Pos. Amount		, Amount
97,404.14		:	-	.\$1,920
65/6H-13	:	•••		
65-12	•••	-1	8 ;	200
GS-11		-		_
				-
	-6	-24 -468	_	
65-6	:	:	-	1,290
65-5	:			
GS-4	:		9	
GS-3	:	:	_	1.891
Mage Grade Workers	414	777		-143
Total positions and appear nate.	, A			
		13 -246	. 667	16,378
Other personnel compensation	.11		-	J
and the same and a same and a same and the s	-12 -307	921 1. 96-	778	
Percental Resetter	9/-	-633		
ravel and transportation of persons	•	•		1,159
ransportation of things		•	_	2
GSA Fent	3	-214		-4,112
Corms., Util., Misc. Charges	:	:		
Uther services	:	:		95
	•	-		1,706
Total program workyears and obligations			770	20 660
Changes requested, 1990	100-	C7017. 67.		

Immigration and Naturalization Service Status of Congressionally Requested Studies, Reports, and Evaluations Salaries and expenses

The Senate Appropriations Committee Report 99-82 required the Attorney General, in consultation with the Secretary of Lead Leads and the Secretary of Feath and Human Services to conduct a study to evaluate the use of a slaphone verification system for use by the Department of Justice to concentrate on those detabases that were currently available to the federal Government which through the use of a science of concentrate on those detabases, that were currently available to the federal Government which through the use of a federal Government in the Unit strong the use of a science and computation confidence of verify instantly the amployment eligibility scale of Job applicants. The Investigations progrem working in conjunction with the Office of Information Systems of the Immigration and Naturalization Sarvice has been assigned this task. A Report to the Congress, entitled "Study on the Use of a feedprone Herification System for Detamining Employment Eligibility of Albans', was connected with the lockber 1987, recommending that Is proceed with the Institute of Affice of Lockber 1987, recommending that Is proceed with the Alban Status Verification index (ASVI) date base housed with an outside conduct a pilot of its utilization. INS is proceeding with plans to conduct such a pilot.

The Senate Appropriations Committee Report 99-425 and Report 100-182 required the Immigration and Naturalization Service to conduct a study, using information obtained from the Maturalization Casework System (MACS), of citizanship applicants who are turned away as nonfiles and returns. ≈;

The MACS software has been modified in order to determine the number of nonfiles and retuins by nationality. The study was completed and forwared by the 1988 deadline set in the Committee Report.

The Senate Appropriations Committee Report 100-182 required the Immigration and Maturalization Service to submit a report on November 1, 1987, with follow-up reports up the first days of January, July and September, 1988, on its efforts to correct the problem related to a reduction in the number of criminal investigations orduly compared with the number on duty in 1981. The reports are, in addition, required to cover the Service's criminal alien investigations program in New York and Netionaide. The first three of these reports were submitted to the Congress. The last report has been completed and its undergoing final clearance before its submission. ۳,

The Senate Appropriations Committee Report 100-182 and Report 100-388 directed the Immigration and Maturalization by Pervice to provide quarterly reports on require approvals and rejections worldwide. In addition, quarterly reports are to be provide on staffing neats and availability for refugee processing, including workload assumptions. These reports are being provided to the Committee as required. ÷

Senate Appropriations Committee Report 100-388 directed the Service to review its current and future staffing needs along the southest border in view of the potential need to commit additional personnel resources to border facilities being up graded under a multi-year improvement program. This study is under development and will be submitted by the March 1, 1989 deadline.

6. The Anti-Drug Abuse Act of 1988, Section 7343, requires the development of a data system to maintain current records a line and of section this system are to be a villable to ports of antiry and Border Patrol sectors for identification purposes to present the reentry of such aliens. Reports on the development of the system are required six months and eighteen months after enactment.

Existing data systems are being examined to determine their ability to meet the requirements stated in the Act. The progress reports called for will be developed and submitted as required.

7. The Anti-Drug Abuse Act of 1988, Section 7347, requires the Attorney General to provide for special deportation proceedings for allens convicted of an agravated fallony to be conducted at Certain Seferal. state and local correctional facilities. Reports on the implementation of these procedures are required atx and eighteen months after enactment. An evaluation of the implementation of the procedures is required one year after enectment.

Work has begun on the development of the necessary procedures. Resource requirements for this provision of the Act are also being assessed. The reports on the implementation of special deportation proceedings will be submitted as required.

The Anti-Drug Abuse Act of 1988, Section 4604, requires the Service, in conjunction with the Department of State and the United States Customs Service, to develop a comprehentive mechine-readable vis ascurity program in order to improve borbed and entering and departure control. The Service, the Department of State and the Customs Service are required to Jointly submit a detailed implementation plan to Congress and the President within sixty days after enactment of the Act. ë.

The plan has been completed and is undergoing final clearance before submission to the Congress by the statutory deadline

Immigration and Maturalization Service
Salaries and Expenses
Priority, Rentings

Base Program		Program increase	
Program	Ranking	Program	Ranking
Inspections Moder Patrol Investigations Anti-Sauggling Destations Adjudications and Deportation Employer and Labor Relations Adjudications and Maturalization Employer and Communications Training Date and Communications Information and Records Management Intellidence Reserrich and Development Construction and Enginearing Field Management and Support Emedings Executive Direction and Control Administrative Services		Detention & Deportation Training	N

Jumistration and Maturalization Service Salaries and expenses Detail of Permanent Positions by Category Essal Petra 1986 - 1990

			1989			86	
Category	1988 Authorized	Authorized Trensfers	Trensfers	Total	Program Increases	2 2	Total
	3	ŧ	:	*	_	÷	*
Paralegal Specialist (950)	₹:	۶:	:	•	:	;;	•
Contract Designation (Statement of the Contrac	200	:	:	į	:	•	276
General Enforcement & Support (1800-1899)		3	: :	3	: :	ş	2/9
Detention and Deportation Officer (1801)	38	33	:	333	•	7	262
Detention Enforcement Officer (1802)	:	3	:	3	Ē,	Ę.	3:
Criminal investigations (1811)			₽ :	1007	• ;	83	- - - -
Immigration Inspectors (1816)	1,677	 	::	1,116	::		3
Border Patrol Agents (1896)	_	₹:	:	4,644	•	ş.	31,4
Social Sciences, Economics and Kindred (100-199)		22	::	**	::	77	==
Personnel Management (200-299).	174	8	::	539	: :	÷	ž
General Administrative and Clerical (300-399)	3,618	3,036	ę	2,990	•	ŝ	2,6%
Accounting and Budget (500-599)	139	:5	•	162	: :	: 7	:5
Medical, Dental and Public Health (600-799)	•	_	:	•	:	:	!~
Engineering and Architecture (800-899)	22	8:	:	8	:		×
Information and Arts Group (1000-1099)	83	\$:	:	\$ 5	:	:	\$:
Physical Science Grown (1300-1199)	3 T	7	:	7	: :	7	3-
Nathematics and Statistics Group (1500-1599)		æ	: :	2	:	::	2
Equipment Facilities and Service (1600-1699)	æ=	•	:	.	:	:	
Supply Grass (2000-2099)	23	.2	: :	.2	' :	:	,2
Border Patrol Pilots (2181)	113	8	:	8:	:	=	2:
Transportation (2100-2199)	9/1	25.2	::	254	:=	:*	25
100	15,453	82)'51	-135	15,293	154	-1,655	13,792
Washington	1,365	1.365	ş	1,316	:	-152	20.1
C.S. Field	13,614	13,769	÷.	13,703	3	9; 9;	15,357
	6//3	\$	Ī		-	•	
10te	15,453	824'51	-135	15,293	35	-1,655	13,792
							1

Mumbers have been adjusted to reflect changes due to reprogrammings, reclassifications, etc. New categories have been
added for clarification.
 Includes mechanics, janitors, maintenance workers and foreign Service Locals.

Fort-

Department of Justice Appropriation Act, 1989.		260
1989 as enected. Tens for to Inspector Seneral appropriation.	14,213 56 69-	926
Andatory increases:		225
1989 Full-year pay increase impact on 1990	:	ĸ
		≃'
Health Beachines		-î.v
Federal Employees' Retirement System (FERS).	::	ŝm
654 Rent.	::	-
		•
Telephone service	::	:
Employee data and payroil services.		
	: : : :	
Full-field investigations.	::	•
Total, mendetory increases.	#:	12
Federal Employees' Compensation Act (FECA) - Unamployment Compensation.	:	•
Mon-recurring decrease for machine-readable Visa Security Progrem. Annualization of Transfer to Inspector General appropriation.		اغيث
1930 Base 1 15,293 Program Changes:	i 14,078	1
Detention & Departation. 130 Training Percentation. 24 Program Decreases Total, program changes. 1,550	65 12 12 12 13 14 14	6 - FR
1990 Estimate	111.11	7.71

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Immigration and Naturalization Service Salaries and expenses Justification of Adjustments to Base (Dollars in thousands)

		<u>Pos.</u>	덬	Amount
타	Iransfers to and from other accounts: 1. Office of Inspector General A propriet of 68 workyears and \$4,177,000 is provided to the Office of Inspector General (01G) Appropriation. The transfer of resources is mandated by P.L. 100-304 to establish the audit and investigations function in the Department's 01G.	-136	8	-68 -\$4,177
M :	1. 1889 Full-year pay increase impact on 1990	:	:	25,568
?	Special Salary Rates. This request provides increases as authorized by law in 5 U.S.C. 5503. The Office of Personnel Management (DPM) has approved these rates for bositions where retention and recruitment of qualified applicants is a provider. The Department's request represents coverage of 30 special states. This request also includes a 25-percent increase for all positions currently not covered in the special salary rates for the counties of Suffolk and Massau and New York City, New York. This proposal was requested by the Federal Executive Board.	:	:	17,183
e,	Mithin-grade increases (MGI). This request provides for the expected increase in the cost of within-grade increases. This increases a preliminary estimate for such costs. The Department is still determining final MGI costs through the development of a dynamic model. These amounts will be adjusted when complete data are available.	:	:	3,604
÷	Health Benefits. The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of the balth insurance would be 60 percent of the total rate commencing in 1975. Effective for the first pay period after January 1, 1988, the actual contribution to health insurance increased 35 percent. In addition, OPH has indicated that it anticipates an increase of at least 15 percent by 1990 due to premium increases. The requested increase of \$5,525,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full-year plus the minimum 28 percent increase predicted by OPH.	:	: 9	5,525

96-378 2867

Pos. MY

£3°.	5	4.1	•	1,3	8
:	:	:	:	:	: 9
:	:	:	:	:	:
5. Federal Employees' Retirement System (FERS). This request provides for the additional costs in 1390 necessary to confinie the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-336. The Act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983, who are covered by social security and for employees under the Civil Service Retirement System who chose to transfer to the new system. The increased requirement for 1990 is based on actual agency payments through pay period 16 for the basic FERS annuity, Social Security and thrift savings.	 Federal Employees' Compensation Act (FECA) - Norters' Compensation	7. 65A Ment continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. An uncontrollable increase of \$4,112,000 is required to meet our commitment to 65A.	8. GSA recurring reimbursable services. Reimbursable payments are made to GSA for heating, ventilation and air conditioning provided in excess of normal working hours and for quand services. An estimated 1.1 percent increase of \$56,000 in fees for these services in 1990 over the 1989 charges.	9. Federal Telecommunications System (FTS). In 1966, the General Services Administration authorized a 16 percent increases in Federal Telecommunications System (FTS) Intercity costs. This increase was mainly due to unanticipated tariff increases. GSA costs estimates for 1990 have continued to climb bayond initial estimates. For 1990, this request includes a twenty-percent increase in FTS costs. This increase does not reflect additional use of FTS. The actual increase over the 1999 base availability is 24 per- cent. An increase of \$1,390,000 over the 1989 base is requested.	10. Telephone Service

유투의	GPO printing costs	:	:	\$166
ふびるままだら	Employee data and payroll services are provided to all Departmental organizations accept the Federal Employee data and payroll services are provided to all Departmental organizations accept the Federal Bureau of Investigation. Charges for these services, which include information systems, maintenance and payroll accounting, are based on the number of employee records maintenine. The rate of \$127.28 per record in 1989 will be rated to \$88.23 per record in 1990. The change is based on anticipated uncontrollable cost increases of 6 percent for the operation of the Justice Employee Data Service. An increase of \$173,000 will be required in 1990.	:	:	521
F < - ~	Foreign allowance. Thousenes for Government map loyees in foreign areas are determined by the Department of State. The State Department anticipates a 10 percent increase in 1990. The requested increase of 1352,000 provides 10 percent more than the \$3,520,000 budgeted for 1989.	:	:	352
	Distributed Administrative Support. Under the Foreign Affairs Administrative Support agreement an annual charge is made by the Under the Foreign Affairs Administrative Support elems. The amount of this charge is determined by the DOS. The DOS advises that an increase of \$963,000 in foreign operation costs is needed in 1990.	:	:	963
	General pricing level adjustments. This request applies DMB pricing guidance as of June 23, 1988, to selected expense categories. The increased costs identified result from applying a factor of 3.6 percent against those sub- object classes where the prices that the Geovernment pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the	:	:	6,642
L	Full-field investigations. The Office of Personnel Management (OMI) has notified users of an average 11.5 percent increase in the standard rate obarged for various types of full-field investigations. An increase of 1995,000 will be resulted in 1990.	:	÷	88

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895	ž	72,54	÷.	.3,13	-67 -4,17	79' 1. 19.	60,82
:	:	:		÷	.	19:	-138
:	:	:		:	:		-135 -135 60,824
The security reinvestigations. The security reinvestigations program has been receiving widespread attention due to the increase in esplonage cases, and the many situations where employees, who had been working in their jobs for a number of security. The office of Personnel Hangement, Federal bere detrimental to the nation's security. The office of Personnel Hangement, Federal Personnel Hangement of the nation's security. The office of Personnel Hangement, Federal Personnel Hangement, Federal Personnel Hangement, Federal Federal Ferral Federal Hangement Five years. By 1990, the Department will require 7,109 employees to be reinvestigated in each of the next five years to address the existing backing. Requested resources will provide for only 2,300 cases per year. An increase of \$685,000 will be required in 1990.	18. Back Pay Awards (Lanehart vs. Horner - U.S. Court of Appeals). This U.S. Court of Appeals decision provides revised overtime pay entitiements for creating rough of employees under the Fair Labor Standards Act (FLSA). OPH determined that the following three additional groups of employees that receive compensation for overtime work on a customary and regular Das is be included; (1) non-firefighters in receipt of premium pay for standby duty; (2) those aliquile for administratively unconfroilable overtime payments; (3) those receiving overtime payments; (3) those receiving over-	Total, mandatory increases	 Federal Employees Compensation Act (FECA) - Unemployment Compensation. This decrease reflects the billing provided by the Department of Labor for the actual costs in 1988 of employees accident compensation. The 1990 amount will be \$229,000 less than the 1988 base. 	 Non-recurring decrease for machine-readable Visa Security Program. One time equipment purchases associated with the machine-readable Visa Security program for which funds were provided in the Anti-Drug Abuse Act of 1988. 	3. Annualization of transfer of Inspector General Appropriation. Transfer of 67 workyears and \$14,177,000 to the Office of Inspector General Appropriation.	Total, decreases	Total, adjustments to base

States and salary ramen	Fort lass	Post fine 1 ment	Post (Tons 1		Portfort The		March Table	SCREETS ASSESSED.
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65-1, 510,213 - 12,770	~		~		~		:	
Ungraded positions	*		224		216		7	
lotel, appropriated positions	18,463	317,832	15,283	195,933	26.'51	905' IRC	18.	11.11
Pay above stated amual rates	:	1.65	:	:	:		•	. :
Savings due to leave now areles	9	45.477	-5,056	-37,178	-1,466	-11,042	8	×.
	•••	-3,006	:	9-	:	;	3	8
								2
Not full-time permanent	₹ ₹	29,602	13,237	352,755	12,326	370,458	ě	17,703
Townson and annual	26	90.0	192	3,65	261	8.	:	*
Other Bart-Line and intermitteen	į	620'01	ş	£.	Ş	.042	:	\$
employment	ĩ	4,531	315	5,613	216	6.543	:	8
Overtine	3	19.992	3	063 01	ā			
Administratively uncontrollable			:		•		:	:
Other comment for	8	2.5	8	24,199	8	£.	÷	:
1931 Act Opertine	=	25			2,470	20.52	:	:
Special personal services payments		3	8 :		£ :		: :	:
Total, wortyeers and personne)								
compensation	16,401	305,174	16,415	431.478	17,504	451,107	116-	19,629
Average ES/Salary	124,061			(\$73,241)		(\$73,241)		
Average 65/GR Grade	9.40			(9.46)		(8.49)		

The data presented in the object class breakdown for the 1990 estimate differs slightly from the data contained in the
President's budget due to limited adjustments required in this data following the publication of the budget.

imisration and Maturalization Service Summary of Resultments by Gred and Object Class (Object in Resultments by Gred and Object Class

	Select Class	Nort years	Mortyears Amount	Hortyeers Amount	tinate Amount	1990	1990 Estimete	Incresse/Decresse	Decree
	Fall-time perainent. Objer than perainent. Objer perainent compensation. Special personnal services pyramits.	•	25.2.3 26.2.3 26.2.3 26.2.3 36	13,237 908 4,270	1352,785 16,700 17,730 236	22,326 808 4,270	8370,458 18,626 10,727,19	i	1,926
Refiberr	Total, workyears and personnal compensation	16,401	365,174	18,415	431,478	17,504	451,107	16-	19,62
Pull-t	full-time permanent	\$ 1 m		5.00 6.00 6.00 6.00 6.00 6.00		(2 (2 (2 (2 (2 (2 (2 (2 (2 (2 (2 (2 (2 (200 200 200 200 200 200 200 200 200 200	
222222	Personal banefits. Freelits to General personal Freel and freeling of persons. Freeling of things. Freeling of things. Freeling of things.		2 2 2 8 C		25. 25. 25. 25. 25. 25. 25. 25. 25. 25.		3 4-3 4 9 5 5 4 9 9		
	other red, and other red, other r		5.5555 5.555		84 5188 e 87 518 56 e 87 518 58 50 81		u-ïbu Sejúšbu		6 4 4 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
.	Weschard Coligations	10,401	ED 755	116,811	831,688	17,504	866,458	Į.	17,769
Unobited Unobited Unobited Unobited	Uncoligated belance, start of year- laceligated belance, and of year- localigated belance, lapsing [64] requirements		¥.0.5		29,65		::# <u>.</u>	l	28°, 12
Total	Total obligations		661,108		431,690		666,459		¥,76
Relation Obligat Adjuster	Relation of obligations to outlays: Obligated balance, start-of-year. Obligated balance, and-of-year. Adjustments in appired accounts		224,113 -214,113		209,161		191,602		73. 73.
Š	W61478								

Immigration and Naturalization Service

Building and Facilities

Status of Construction and Summary of New Facilities Requirements (In thousands of dollars)

		Budget R	Budget Request or Appropriation New Construction	Appropr New Cor	riation 15 tructio	1=						
		Planning Site Acq	uisi.	or Expansion of Existing Facilities	uns ton st ing ies		Total Current Cost	Current	Status 1988		2	stimated
Project		Fiscal Year Amoun	ابد ا	Year	1 41	Total Funding	Est. or Actual	to Date	Oblig. Stage of to Date Programs		들	Completion Activation Date Date
I. Und	 Under construction or fully funded: 											
- i	1. El Paso, TX BPS 1985-86	1985-86	\$245	1988	109'2\$	1988 \$2,601 \$2,846 \$2,846 \$2,846	\$2,846	\$2,846	Under Cons	Under Construc- 1/89	&	1/89
તં	2. A jo, A2 BPS 1985-86	1985-86	98	1988	\$	1,031	1,031	698	tion Under Construc- tion	truc- 5/89	6	68/9
mi	3. Maco, AZ BPS	1985-86	70	1988	999	735	735	689	Under Construc- tion	truc- 2/89	68	5/89
4	4. San Pedro. SPC 1987	1987	750	1989	12.196	12.946	12.946	12.946	250 1989 12,196 12,946 12,946 12,946 A/E Deston		68/6	68/6

11

		Budget R	equest o	Budget Request or Appropriation	lat fon						
				New Const	ruction	_	Total				
		Planning and Site Acquisi.	and uisi.	of Existing Facilities	gn st			Current Status January 1988	Status 1988	Estimated	Estimated
Project		Fiscal	Amount	Year	Amount	Funding	Est. or Actual	do 11g. to Date	Stage of Programs	Completion Date	Act ivat ion Date
 	Under construction or fully funded (Continued):										
. . .	5. Tomecula, CA Traffic Checkpoint	1987-88	\$350	1989	\$1,600	\$1,950	\$1,950	11,950	Reim. agree- ment with	1/90	1/90
	6. Modification of Topographical features 1988	1988	00	1988-89 3,600	3,600	4,000	4,000	1,761	In procure- ment for bid solicitation	10/89	10/89
,	7. Oakdele II	1987-88 1,000	1,000	. 8861	5,500	6,500	6,500	6,500	Reim. agree- ment with	68/6	68/6
•	8. Las Cruces, NM Traffic Check (2)	1987-88	63	1988-89	9	299	199	112	Site prep.	7/89	1/89
•	9. Laredo, TX Traffic Check (2)	1987-88	8	1988-89	909	999	999	105	Site prep.	12/88	12/88
10.	, Bram Field, CA	1989	356	1990	2,970	3,326	3,326	386	In procure- ment for A/E Design Con- tract	16/1	1/81
=	11. Ysleta, TX, 8PS	1988-89	412	1988-89	99	1,072	1,072	52	Land acquired/ 12/89 Design Pending	1/ 12/89 ng	12/89
II. Pla	II. Planned facilities:										
	1. El Centro, CA Traffic Check (2)	1987-88	19	1989	407	474	474	:	Under study	7/89	1/89
~;	. El Centro, CA	1988	117	1988-89	410	25	627	:	Under study	11/89	11/89
e,	. Brackettville, TX BPS	1988-89	88	1988-89 1,107	1,107	1,405	1,405	÷	Site selected awaiting DOJ approval	12/89	12/89

Project II. Planned facilities:	. .	Budget Request Planning and Site Acquisi Fiscal Year Amoun	Request o	Budget Request or Appropriation New Construction New Construction New Construction Of Extering Site Acquisi. Facilities Fiscal Amount Year Amount	iation truction is fon ing es	Total Funding	Total Current Cost Est. or Actual	Current January Ob 11g. to Date	Current Status January 1988 0611G. Stage of to Date Programs	Estimate Completion Date	Estimated Activation Date
(Continued) 4. Corpus Christi, TX BPS	tı, 1x	1988-89	\$25	1988-89	1.6\$	\$1,232	\$1,232	:	Site se- lected awaiting D	12/89	12/89
5. Pt. Isabel, TX BPS	ž	1988-89	82	1988-89	895	1,189	1,189	÷	Land acquir- 12/89 ed design pending	r- 12/89	12/89
7. Uvalde, TX, 8PS	S-AB	1988-89	317	1988-89	1,249	1,566	1,566	:	Site se- lected awaiting approval	12/89	12/89
8. San Diego, CA, BPSH	А, ВРЅН	1990	161	1991-92	1,445	1,642	1,642	:	Under Study	y 5/92	26/9
9. Rio Grande City, TX BPS	tty, TX	1990	213	1991-92	1,562	1,775	1,775	:	Under Study	y 5/92	26/9
10. Blythe, CA, BPS	ž	1990	153	26-1661	1,123	1,276	1,276	:	Under Study	y 5/92	26/9
11. Laredo, TX, BPS	S _P S	1990	174	26-1661	1,272	1,446	1,446	:	Under Study	y 6/92	26/9
12. El Centro, CA, BPS	A, BPS	1990	230	26-1661	1,687	1,917	1,917	:	Under Study	y 5/92	26/9

				;		New Constructor Construction	New Construction or Expansion	c	Total					
			٠	Site Ac	gutst.	of Exis Facilit	ting ies			Current	Status		į	Fe t tent to
Project	ect		I	Year	Fiscal Year Amount	Year	Amount	Total Funding	Est. or Actual	Oblig. Stage to Date Progra	Stage of Programs	lo s	Completion	Act ivation
Ħ	<u> </u>	II. Planned facilities: (Continued)										1		
	13.	13. Del Rio, TX, 8PS	£	1990	1 231	1991-92	1691-82 \$1,697	\$1,928	\$1,928	:	Under Study	Study	26/95	26/3
	ž	14. Expension of El Centro SPC	=	1990	420	. 26-1661	3,080	3,500	3,500	:		Study	7/92	1/60
		15. Krome, El Paso, Port Isabel SPCs	SPCs	1990	1,317	1991 - 92	699'6	_	10.976			Study	/6/	64/2
	16.	Buffelo & Newerk SPCs 1990	rk SPCs	1990	180	1991-92			1,500	: :	Under Study	tudy	3/62	
		17. Varrick St., Boston, San Juan SPCs	oston.	1990	180	26-1661	1,320	1,500	1,500	:	Under Study	tudy	3/92	3/92
Ξ.	Š	III. Under Consideration:	ë	1989-90 1,708		16-0661	1990-91 10,725 12,433		12,433	:	Under Study	tudy	12/91	12/91
	=	1. El Paso West (Anapra),	Anapra),									•		

MIGRATION AND NATURALIZATION SERVICE SCHEDULE OF NOTOR VEHICLES

	End		1,155	25	282	48	1,222		. 96	3	353	6 93		-	5	28	22	8.	•	2	55	137		289	6,519	75
0861	l de la company			_	3=					3	2~	ž		2	121	23		=	:	=	~	2	•	6	E	
٦	Average		\$14,649	12,939	38	8	12,476	79.310	9		26.75 26.09	13 677			::	: :	:	:	:	:	:	:	:	:	13,577	
	Acoutred		176	275	3≌	::	176	::	3	: :	≅ :	818		2	:2:	2 4	-	2	:	~	2	11	:	8	816	,
	End-of-		1,155	33	28	3	1,195	-8	1.032		331	5.860		8)	25	3%	2	>-	•	2:	2	2	=	635	6,495	
1989	Disposed		Ē	19/	32	:	5	::	127	; ;	= :	821		2	22	30	•	•	:	~	•	=	~	Ě	935	
L	Acoutred		20	3	82	:	82	::	150	:	32	206		22	25	30	₹:	3 ;	:	m (•	2,4	~	126	1,033	
	End-of- Year		1,152	28	88	53	36.	- 6	1,009		310	5.774		83	129	38	28	×-	•	2:	2	13	=	623	6,397	
1988	Disposed		3	3	::	•	:	:-	. \$		ē :	317		•	2%		~	• ;	:	₹,	•	2	•	135	425	
	Acquired Disposed		20) ¥	. 2	::	55		2		- ;	359		=	2%	2	~9	-	,	÷.	•	٤,	•	962	cec.	
	1987 End-of- year Inventory		1,238	\$	165	66	5	-8	1,04	9.50	3=	5,732		28) (1)	-	=:	* :		8:	:	8 :	:	225	167'0	
	Method of Acquisition and Type of Vehicles	Direct Purchase:	Large Sedan	Compact Sadan	Subcompact Sedan	Station Magon	Ambulance	Pus	Special Purpose:	Trucks:	Other	Subtotal Purchased	Seized or no cost excess:	erge Sedan	Midsize Seden Compact Seden	Subcompact Seden	Station Magon		Special Purpose:	4-Weel Orive	rucks:	Pickup		Subtotal Seized	TOTAL VEHICLES	

Immigration and Naturalization Service Salaries and Expenses Schedule of Africati

	1967 End-										
	of-Year		1968			1989			200	_	
	Inventory	Aventory Acquired	Disposed	End-of-Year	Acquired	Disposed	End-of-Year	Acout red*	Average Co	pesoasia	End-of-Year
Direct Purchase:	ψ,										
Single Engine	\$-	•	-	\$ -	3.	٠.	S *	\$.	000'06\$	-	8
Helicopter		:	:	٠ ;	, :		~ ;	N	:	:	
		:		S	à	-	2	a	260,000	:	2
Subtotal	. 0	î	-	69	=	•	\$	F	105, 385	-	65
Seized Aircraft:											
Single engine	-	:	:	-	:	:	-	:	:	:	-
Subtotal seized	-		:	-	:	:	-	:		:	-
Total Aircraft	3	~	1	70	=	•	82	-=	256,364	-	8
	_										

P indicates Government purchased aircraft.
 <u>Motes</u>: Will attempt to utilize seized aircraft in 1990 as they become available. The possibility axists for additional military surplus helicopters to become available during 1990.

Immigration and Naturalization Service

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Consulting and Related Services (dollars in thousands)

	1988 Actuel	1989 Estimate	1990 Estimate
Consulting Services	:	:	•
Management and Professional Services	\$50	\$7\$	\$75
Special Studies and Analysis	;	;	;
TOTAL	\$50	\$75	\$75

Management and professional services are used by INS only for services which cannot be performed in-house. These services are regired for: organizational structure, resource allocation and management direction reviews. The results of these reviews have been and will continue to be used within the Executive Direction and Control program to enhance agency efficiency and resource management.

No increases are requested in 1990 for such services.

Page Number

DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Immigration Legalization
Estimates for Fiscal Year 1990

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Immigration and Naturalization Service

Immigration Legalization

Summary Statement

Fiscal Year 1990

The Immigration Reform and Control Act of 1986, Title II, Sections 201-204, establishes a Legalization program which provides temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January I, 1982, who resided continuously in the U.S. since then, and who are not excludable. It also also adjusts the status of these people to permanent resident after IB months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 futher provides for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982.

To continue to implement this program in 1990, the Immigration and Naturalization Service will require \$54,792,000 and 721 reimbursable workyears. The cost of the program is to be paid from fees paid by applicants for permanent resident status and from funds carried forward from the temporary resident phase of the program.

Section 201 calls for the Attorney General to prescribe a fee schedule to charge altens for filling for adjustment. The fees collected will be available, without fiscal year limitation, to cover all the administrative and other expenses incurred in connection with processing applicants for legalization (except adjusting Channs and Haitians), and will include expenses of the Federal Bureau of Investigation (FBI) and other Federal agencies.

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Immigration and Naturalization Service Immigration Legalization Account
Summary of Requirements
(Dollars in thousands)

ing A Andre in

Financing	1988 Estimate	1989 Anticipated	1990 Request
Unappropriated balance, start of year Collections	\$15,074 189,279	\$15,074 58,000	\$1,031 71,700
Total Budget Authority	189,279	72,043	-17,939 54,792
Outlays	128,320	75,805	54,792
Obligations by program			
Enforcement: Detention and deportation	526	:	i
Citizenship and Benefits: Adjudications and naturalization	41,717	26,446	18.170
Immigration Support:			
Training.	91	:	
Information and records management	25,763 11,360	18,146	13,575
IntelligenceResearch and days longert	696	1,291	0,823
Construction and engineering.	17,840	11,934	10,912
Legal management and support	2,680	1,650	470 825
• • • • • • • • • • • • • • • • • • • •	28,882	40,974	34,038
Program Direction: Executive direction and control Administrative services	2,894 9,528 12,422	3,274 1,349 4,623	1,235 1,349 2,584
Total obligations	113,247	72,043	54,792

Immigration and Naturalization Service Immigration Legalization Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

Activity: Immigration Legalization

Lung Range Goal: To receive, process, review and subject to final action all applications submitted for temporary and permanent resident status under the Immigration Legalization Program, authorized by P.L. 99-603, Title II, Sections 201-204.

Major Objectives:

- Operate temporary legalization offices in key locations throughout the country to receive applications for permanent resident status.
- Operated four regional processing centers to receive completed applications from the legalization offices, review, and approve or deny the applications.
- Enter into deportation proceedings those aliens who attempt to acquire permanent resident status fraudulently.
- Provide high speed data and communications systems support for the various offices to support the application receipt, review, and decision making processes.
 - Provide reliable and accurate information and records support for the various offices so that information needed for the review of applications is correct and provided in such a way that processing is expedited.
 Provide necessary intellidence and document analysis to prevent the approval of feared-loss analysis.
 - Provide necessary intelligence and document analysis to prevent the approval of fraudulent applications supported by falsified documents.
- Provide the representation needed by the Service in all legal proceedings generated by the program, primarily due to deportation proceedings and hearings that will result from the denials of applications for permanent resident status.
- Assure adequate management and administrative support is available in the field and in the Central Office so
 that the operations of the legalization offices and regional processing centers are efficient and services
 to those offices are timely.

Base Program Description:

On May 5, 1987, the legalization offices began accepting legalization applications from aliens. Applications were reviewed for completeness and interviews of aliens and alien families were conducted. If claims appeared legal, then applicants were recomended for approval and work authorization cards were issued. Voluntary agencies were paid a fee by the Service for assisting aliens in completing their application packages and in scheduling processing through INS offices.

After INS accepted an allen's application for temporary residence, final approval was reserved until name, fingerprint and other security checks could be made. These checks were made at one of four regional processing facilities. If the application was approved, a temporary resident card was issued. Fraud profiles were developed and matched against incoming alien applications. To the extended reside, fingerprint checks with the FBI and state law enforcement officials were done on a tape to tape match. Data entry was a major cost item at these regional processing facilities. The process of converting to permanent residency will be a similar procedure.

There are adjudications, records, and intelligence personnel at the regional processing facilities. Adjudications staff will review all recommended denials and sample the recommended approvals. Intelligence personnel use sophisticated document examination techniques to analyze alien applications and supporting materials in order to detect fraud. Aliens who are denied temporary or permanent resident status will either voluntarily leave the country or enter into the appeals process to have denials overfurned. In the Legal Proceedings program, attorneys represent the agency in litigation arising from the new program in appeals and in cases resulting from denials of applications for temporary and permanent resident status.

The Construction and Engineering program supports the leasing of the legalization offices and the regional processing centers. Currently, 92 offices are open. Many legalization offices are now co-located with District Offices or Suboffices to maintain a presence in areas with insufficient workload to justify a separate legalization office.

The Administrative Services program provides administrative support to the Central Office and the regional offices to assist in managing the substantial growth in operations which resulted from IRCA. Nonpersonnel resources are provided for whicles, equipment, supplies, guard services contracts for the legalization offices, background investigations for temporary INS employees, printing, supplies and various other expenses needed to support the ongoing program.

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In 1990, a refuction of 304 workyears is proposed which is consistent with the changing workload of the program. Staff will be needed to receive and process approximately 956,000 applications for permanent status which are expected to be submitted during the fiscal year. Related workyears in support of the adjudication of other immigration benefits for newly legalized aliens, are requested in INS' direct appropriations request. Other changes reflected in the 1990 request include reductions due to the nonrecurring cost of equipment purchases, contractu services which have been completed, and a phasing down of operations as a result of the completion of the temporary resident phase of the legalization program.

, 2, 2,

Accomplishments and workload: The workload for the Immigration Legalization Program is presented in the following table:

	1990	:	::	956,000	•••	:	750,000	:		2,500	3,500		700
Estimates	1989	2,000	550,000	//3,300	2,000	22,500	1,000,000	6,700		2,000	3,000		200
	1988	1,113,665	1,086,858	:	1,113,665	5,011,493	3,467,246	11,308		1,814	2,465		389
	Item	Applicants for temporary resident status	Applicants adjusted for temporary resident status	Applicants for permanent resident status	Alien files opened	General searches completed	Information services inquiries	Cases received for examination at document laboratories	New INS data inputs at El Paso intelligence Center	(EPIC) processed,	Queries researched at EPIC	Positive INS responses to queries received by EPIC	provided

Workload figures are based on planning assumptions developed for the immigration Legalization Program, taking into consideration the interrelationships of the indicators and the completion of the temporary resident phase of the program. In November 1988, the permanent resident phase began and will continue for two years.

As a result of the huge success of the Legalization Program, as evident by the large turnout, INS' actual 1988 workyear usage was 1,711, which was greater than the 1,524 originally anticipated. Sec. 15.50

Immigration and Naturalization Service Status of Congressionally Requested Studies, Reports, and Evaluations Under the Immigration Reform and Control Act of 1886

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1. Visa Waiver Pilot Program

Under the Act, the Attorney General and the Secretary of State are authorized to conduct a pilot program for certain nationals from up to eight low-risk countries to enter the United States for up to 90 days without non-immigrant visas. Prior to implementation of a pilot project, the Attorney General must certify to the Congress that a system to monitor such entries and subsequent departures is in place. A report evaluating the visa wavier program and its impacts must be made to the Congress no later than two years after the start of the program.

<u>Status</u>: IMS is continuing its efforts to enhance and expand its automated systems to support a visa wavier program. In conjunction with this effort, the Anti-Drug Abuse Act of 1988 included funding of a pilot program for the development of a machine readable travel document. These efforts will be coordinated as required in view of the similarities of their objectives.

2. Triennial Report on Immigration Impacts

The fact formally assigns responsibility for a triennial report on immigration to the President. Actual responsibility for the preparation of the report will be shared by the various affected Federal agencies, including IMS. The IMS will be responsible for gathering and analyzing data on the numbers and types of aliens legally admitted to the United States and an estimate of the resident illegal alien population. The first report to the Congress is due in January 1989 and every three years thereafter.

Status: The first triennial report has been completed and will be submitted to Congress by the White House.

3. Report on Implementation of Employer Sanctions

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For three years after the implementation of employer sanctions, the INS will report annually to the Congress on the operations and impacts of this program. Included in the reports will be an analysis of the adequacy of the employment verification system, the results of demonstration projects, the number of illegal aliens and violations of nonimmigrant visa status and the enforcement impacts in the U.S. labor market (to be done in cooperation with the Department of Labor).

Status: Information needs and the data collection needs have been identified, and interagency discussions have been held regarding the scope of the analysis and specific agency responsibilities. The first report will be submitted by December 1989, one year after full implementation of employer sanctions in the argricultural sector.

4. Report on the Legalization Program

Two legalization reports, one due no later than November 1989 and the other by November 1992, are required by IRCA. The first report, which will provide the Congress with a description of the legalized population and include information on their origins and demographic characteristics, the responsibility of INS.

<u>Status</u>: In March 1987, INS issued a Request for Proposal for the design and implementation of a nationwide survey of legalized aliens. An award was made in September 1987 to Westat, Inc., a Mashington-area research firm with proven capabilities in conducting this type of survey. The first two phases of the contract-survey and questionnaire design and data analysis plan-have been completed and approved by OMB. The final phase was awarded in late 1988. The survey will be conducted in the Spring of 1989 so that the information can be analyzed and incorporated with other available data into the report to Congress in November 1989.

Immigration and Naturalization Service Immigration Legalization Detail of Permanent Positions by Category (1) Fiscal Years 1988 - 1990

Category	1988 Authorized	1989 Estimate	1990 Request
Attorneys (905). Contact Representative (962). Detention and Deportation Officer (1801). Criminal Investigators (1815). Immigration Inspectors (1816).	50 16 20 20 20 20 20 20 20 20 20 20 20 20 20	. 65 9 : 65 9 : 65	69 : 69 25
Physical Sciences Group (1300-1399)	14, 17 326	103 17 326	326
Washington. U.S. Field.	17	17 309	17 309
Total	326	326	326

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service Immigration Legalization Summary of Requirements by Gabee and Object Class (1)

Grades and salary ranges	1988 Actual Positions & Workyears A	Amount	1989 Estimate Positions & Workyears Amou	Amount	1990 Request Positions & Workyears Am	Amount	Increase/Decrease Positions & Morkyears Amou	Amount
ES-1, \$68,700. 65/GH-15, \$5,158-74,304. 65/GH-13, \$4,158-74,304. 65-12, \$44,580-44,957. 65-12, \$44,804-49,57. 65-9, \$23,846-31,001. 65-9, \$23,846-31,001. 65-6, \$15,732-26,45. 65-7, \$15,732-26,45.	136 136 136 137 141 181 181		13855 1385 1473 1473 1473 1473 1473 1473 1473 1473		136 136 136 137 141 181 181		:::::::::::	
Total, positions	326	13,907	326	\$14,517	326	\$14,66		\$144
Pay above stated annual rates Lapses	::	108	-56	-1,572	-56	-1,588	::	-19
for part of the year		-68		-141				14
Net full-time permanent	326	13,947	300	12,804	300	13,073	:	569
Other than permanent: Temporary employment	1,385	19,056	725	11,688	421	5,889	-304	-5,799
Overtime	134	4,379	76	2,502	19	2,002	-15	-500
Total, workyears and personnel compensation	1,845	37,447	1,101	27.036	287	21,006	916- 9	-6,030
(1) This exhibit provides detail of reimbursable resources not portrayed in the Salaries and expenses budget.	finbursable re	esources n	ot portrayed .	in the Sal	aries and expe	nses budge	نب	

		1988 Actual	ctua1	1989 Estimate	imate	1990 Request	juest	Increase/Decrease	crease
Object Class	Class	Workyears	Amount	Morkyears	Amount	Morkyears	Amount	Workyears	Amount
11.1	Full-time permanent	326	\$13,947	300	\$12,804	300	\$13,073		\$269
11.3		1,385	19,056	725	11,688	421	5,889	٠	-5,799
11.5	_	134	4,379	92	2,502	5	2,002		-200
11.8	જ	919	98	: 4:	42	100	42	9.5	46.0
	101.01	1,845	3/ ,44/	101'1	050,7	ğ	900,17	eic.	0,030
Other (Other objects:				_				
12	Personnel benefits		7,418		4,475		3,826		-649
£1	Benefits to former personnel		65		:		:		:
12	Travel and transportation of persons		1,985		1,277		1,194		غ
22	_		545		1,077		1,067		-10
23.1			14,396		10,000		000,6		-1,000
23.2			130		20		:		-70
23.3	_						;		٠
	other rent		4,028		512		515		:
54	Printing and reproduction		2,575		1,076		1,076		:
52	Other services		37,159		24,568		15, 192		-9,376
92	Supplies and materials		3,538		1,069		1,064		÷
3	Equipment		3,960		883		852		-58
45	Insurance claims and indemnities		-				:		:
	Total obligations	1,845	113,247	1,101	72,043	782	54,792	-319	-17,251

(1) This exhibit provides detail of reimbursable resources not portrayed in the Salaries and expenses budget.

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DEPARTMENT OF JUSTICE Immigration and Naturalization Service Immigration User Fee Estimates for Fiscal Year 1990

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Immigration and Naturalization Service

4

Immigration User Fee

Summary Statement

Fiscal Year 1990

The immigration and Naturalization Service (INS) is requesting 1,524 workyears and \$105,000,000 to continue to implement this program. The cost of this program is to be paid from fees collected from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada, or adjacent islands).

The Immigration User Fee Account was established in the 1987 Appropriation Act for the Department of Justice, (Pl., 99-500 and Pl., 199-501). Section 205 of the law directs the Attorney General, effective December 1, 1986, to charge and collect a \$5 user fee from each individual arriving in the United States, aboard a commercial aircraft or vessel, from foreign locations (other than Mexico, Canada, or adjacent islands). All fees collected are to be deposited in an immigration User Fee account. Section 205 of the law also directs the Secretary of the Treasury to reimburse, out of the immigration User Fee account, the immigration and Naturalization Service for the amounts paid to: provide verer ime immigration inspection and pre-inspection services for commercial aircraft and vessels, provide over time immigration inspection and pre-inspection services for commercial aircraft and maintain information spirates for services for excludable aliens by passengers traveling to the United States; and provide detention and deportation services for excludable aliens arriving on commercial aircraft or vessels.

In conformance with the specific provisions of the legislation and the program objectives outlined in the Senate Appropriations Committee Report 99-425, the Immigration and Naturalization Service is able to staff airport and seaport facilities at a level that will ensure that immigration inspection services are sufficient to meet the demands of the traveling public, that fees are collected and deposited in a timely manner, and that a convistently effective enforcement posture is maintained in the inspection of all arriving aircraft and vessels.

Address and

14.7

Immigration and Naturalization Service Immigration User Fee Account Summary of Requirements (Dollars in thousand)

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	1988 Actual	1989 Estimate	1990 Request
Financing			
Collections	\$91,707 10,7,10	\$104,000 104,000	\$105,000 105,000
Outlays	87,095	108,634	104,900
Enforcement: Inspect fors. Anti-Smuggling/Investigations. Subtotal	62,600 1,325 9,568 73,493	65,100 2,450 12,484 80,034	66,100 2,450 12,484 81,034
Citizenship and Benefits: Refugees and Overseas	193	250	250
Immigration Support: Training	15,525 35 1,925 17,485	180 18,112 1,284 100 2,237 21,883	180 18,112 1,254 100 2,237 21,883
Program Direction: Executive Direction	28 508 508 107,707	108 1,725 1,833 104,000	1,725 1,725 1,833

Justification of Program and Performance Immigration and Naturalization Service Immigration User Fee Account

Activity: Immigration User Fee Account

This budget activity includes resources for the payments of specific expenses necessary in providing immigration inspection and pre-inspection services for commercial aircraft and vessels, providing overtime immigration inspection services for commercial aircraft and vessels, administering debt recovery, expanding and operating information systems for non-immigrant control and debt collection, detecting fraudulent documents, and providing detention and deportation services for excludable aliens arriving on commercial aircraft or vessels.

Long Range Goal: To utilize the capabilities provided in the establishment of an immigration User Fee Account (P.L. 99-500 and P.L. 99-591); to provide and maintain sufficient resources to carry out immigration inspection and preinspection services for commercial alircraft and vessels, to administer debt collection activities and enhanced data systems support for non-immigrant control and debt collection; and maintain an effective enforcement posture regarding the inspection of passengers on all wriving aircraft and vessels.

Major Objectives:

- Pay expenses incurred in the inspection of aliens and citizens arriving from foreign territories other than Hexico, Canada and specified adjacent islands (8 U.S.C 1101(b)(5)).
- Expand pre-inspections activities to other locations worldwide.
- Increase the Inspections program staff at selected airports and seaports.
- Develop new data systems, and expand and upgrade existing ones to monitor and control non-immigrant travel, detect fraudulent documents, and manage debt collection.

Improve the administration of debt recovery, including the establishment of a National Collection Office.

- Provide for the detention and deportation of excludable aliens arriving on commercial aircraft or vessels.
- Increase resources devoted to conducting investigations of major smugglers.

Conduct training for foreign carriers and immigration authorities on the detection of fraudulent documents.

\$: \$3 ...

Base Program Description:

The Senate Appropriations Committee, in its report accompanying H.R. 5161, addressed the issue of inspections delays occasionally experienced by foreign travellers at the Nation's larger international airports. While the Service had recently taken action to minimize these delays, consistent with its overriding mission of enforcing the law through control of applicants for admission to the U.S., there continued to exist a structural imbalance between available resources and workload demand.

The user fee provision, contained in P.L. 99-591 was formulated to alleviate this imbalance by providing a mechanism to allow for sufficient resources for IMS to staff airport and seaport facilities at a level that will insure that inspections services are sufficient to meet the demands of the travelling public and that a consistently effective enforcement posture is maintained in the inspection of all arriving aircraft and vessels.

The funding requested here will enable INS to be reimbursed for expenses related to the inspection of aliens and citizens arriving at airports and seaports from noncontiguous foreign nations, i.e., the cost of existing and maw officer positions and related inspectional overtime, the provision of automated data support, costs related to forensic document analysis, fraud detection and improved debt collection, and expenses associated with the detention and deportation of excludable aliens arriving on commercial aircraft or vessels.

Since the inception of the User Fee program steady growth has been experienced in foreign air and sea travel, thereby increasing the demand for inspections services. This has required increased resources and staffing by US, primarily in the Inspections program and in support programs. In 1988 the User Fee program was alloted only 780 workyears. However, workyear usage for 1988 was 1,120 for this program. However, in 1989 and 1990 it is not expected that excess direct workyears will be available from appropriated programs. Therefore, in 1989 and 1990 the User Fee program includes 1,524 workyears necessary to support the current level of personnel dedicated to this program and to deliver the immigration inspection services called for when this program was created by Congress.

Accomplishments and workload: The workload of the Immigration User Fee Fund Program is presented in the following table:

<u>Item</u>	Actual	Estimate	Request
1/ lotal persons inspected at alrhorts and seaports. Smugglers apprehended (anti-smuggling) Deportable allens apprehended (investigations). Cases completed (investigations)	48, 351, 522	50,000,000	50,000,000
	368	600	720
	432	900	900
	31	64	64

These numbers include all persons inspected at airports and seaports of which only passengers arriving from non-contiguous territories are subject to the fee.

	1988	1989	1990
Item	Actual	Estimate	Request
Cases completed (anti-smuggling)	300	480	576
Convictions of smugglers (total)	225	245	242
Number of detention days	51,000	51,000	51,000
Average stays in detention (days)	4.3	4	4.3
Aliens detained	12,000	12,000	12,000
Aliens expelled	000'6	000.6	000,6
Inadmissible aliens intercepted (inspections)	76.123	80.000	80,000

Note: Workload is associated only with those activities funded through user fees.

4.3

Immigration and Naturalization Service
Immigration User Fee Account
Detail of Permanent Positions by Category (1)
Fiscal Years 1988 - 1990

Category	1988 1989 1990	1989	1990
	Authorized Estimate Request	Estimate	Request
Attorneys (905)	38 38	2 116 38	858
Immigration Inspectors (1816)	1,079	1,079	1,079
	84	84	84
	1	1	1
Total	1,338	1,338	1,338
Washington.	11	11	11
U.S. Field.	1,210	1,210	1,210
Foreign Field.	117	117	117
Total	1,338	1,338	1,338

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service Immigration User Fee Account Summary of Requirements by Grade and Object Class (Dollars in thousands)

	1988 Actual	Let	1989 Estimate	imate	1990 Request	lest	Increase/Decrease	crease
Grades and salary ranges	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/GM-14, \$48,592-63,172	50		20		20	-	:	
Ë	^		^		~			
65-12, \$34,580-44,957	105		105		105			
23	1,079		1.079		1.079			
65-6, \$17,542-22,807			123		123		:	
- 10	1,338	\$35,025	1,338	\$36,461	1,338	\$37,120	::	\$659
Pay above stated annual rates	:	270	:	:	:	:	:	:
Lapses	-492	-13,777	-134	-3,618	-134	-3,950	:	-332
for part of the year		-167		-333				333
Net full-time permanent	846	21,351	1,204	32,510	1,204	33,170	÷	099
Other than permanent:				.~				,
employment.	27.4	4,880	320	5,432	320	5,432	:	:
Ochet inc.	92	1,645	100	3,010	100	3,010	:	:
overtime	3 740	126 22,225	3 670	100 20,100	93	100 20,350	:0	550
special personal services payments	•••	8		::			***************************************	
Total, workyears and personnel 1.933	1.933	50.235	2.297	61.152	2.307	30.09	ç	016
						!	:	; -

Immigration and Naturalization Service
Immigration User Fee Account
Summary of Reguirements by Grade and Object Class

	;	1988 Actual	ctual	1989 Estimate	timate	1990 Request	ovest	Increase/Decrease	ACT PASS
Object	Ubject Class	Horkyears	Amount	Morkyears	Amount	Horkyears	Amount	Morkyears	Amount
11:1		846	\$21,351	1,204	\$32,510	1,204	\$33.170	:	\$660
11.3	_	274	4,880	350	5,432	320	5.432		
::: :::		813	23,996	773	23,210	783	23,460	2	520
71.0	<u>~</u>		8	::	•	•	•	:	:
	lotal	1,933	50,235	2,297	251'19	2,307	62,062	19	910
Other (Other objects:		•			,			
21	Personnel benefits		8,592		169'6		9,781	:	8
3	Benefits to former personnel		:						
21	Travel and transportation of persons		1.768		1 858		1 959	:	:
25	Transportation of things.		8		2 25.4		200	:	:
23.2	-		3 %		67,2		46247	:	:
23,3	_		3		71		77	:	:
	other rent		1.172		999		599		
7	Printing and reproduction		252		133		133	:	:
52	Other services		25.498		26.513		26 513	:	:
92	Supplies and materials		1 262		26.7		25.0	:	:
3	Fourtement		100				200	:	:
42	Transfer of a fine and discountable		1001		1,305		1,305	:	:
	יייים מולכ ליום זות הותפונו (ופציייי		2		•		:	:	:
	local obilgacions	1,933	91,707	2,297	104,000	2,307	105,000	e.	1,000

Mr. Smith. Did you try desperately to stay just under a billion?

Is that what you were trying to do? [Laughter.]
Mr. Nelson. No, sir. We thought we would actually probably go slightly over, but we will round it off to a billion.

OPENING STATEMENT

Mr. Smith. We are pleased to welcome back the Commissioner, Alan Nelson. Mr. Nelson you may proceed with your statement.

Mr. NELSON. Thank you, Mr. Chairman, Mr. Early. Again, it is a

pleasure being back with you for our review.
You mentioned a couple of items from our testimony. At this time, I would like to submit for the record the full testimony, as

well as summarize a few items.

As indicated, our appropriated budget is over \$866 million, nearly 14,000 positions, plus the user fees. I think this has been a very significant accomplishment of INS, the Department of Justice, OMB, and the Congress where we have the use of fees collected for the inspection of passengers at sea and airports; and now those for the adjudicating petitions of newly legalized aliens under the Immigration Reform and Control Act. We have had a dramatic increase in available funds; adding another \$130 million to our budget.

There are two program increases in our 1990 budget. The first is 130 positions and over \$9 million for two new detention facilities, one in San Pedro, California, and the second in Oakdale, Louisiana. These facilities are both under construction and will become oper-

ational during 1989.

The second increase is for 24 positions and \$1.3 million in the training program for the staffing of a new training facility acquired by the Government at Artesia, New Mexico.

The budget also includes a net uncontrollable increase of \$65 mil-

lion addition to base costs.

LEGALIZATION AND SPECIAL AGRICULTURAL WORKERS PROGRAM SUCCESS

I might touch on a couple of the program items. The Legalization Program, which we have discussed here before, has concluded, we think very successfully. Overall, over three million applicants participated with about 1.8 million in the Legalization Program, and 1.3 million in the Special Agricultural Workers Program. That is six times greater than the total number of all similar Legalization Programs ever conducted by all other countries combined. I do not think anybody, even our critics, has any claim that this has been other than an overwhelming success.

We paid for the program, as Congress mandated, by fees collected. Over \$287 million was collected. It has been a fair and open program. Eighty-five percent of all the people applied came directly to INS. We are moving forward effectively now with Phase 2, where they will move from the temporary status toward perma-

nent residency.

As I mentioned, there were in the Agricultural Program, nearly 1.3 million applications. I think that is one that surprised a lot of people. It is probably three times the number that most of the growers and other experts expected. We are concerned with fraud in this program, and we are looking at that as we are developing it.

REPLENISHMENT AGRICULTURAL WORKERS PROGRAM

We also have the Replenishment Agricultural Worker, or RAW, program. Regulations have been submitted to OMB and hopefully will be published in the next few weeks to set up the stage for the RAW program, when and if it is necessary. The Secretaries of Labor and Agriculture will determine whether or not there is a shortage in the supply of agricultural workers. If there is a shortage then we will be ready to put the program in motion.

Employer sanctions, as with legalization, has been implemented very well, carrying out the mandate of the law. We have issued over 1,300 fines. We have collected well over a million dollars. We have had few contested fines, which I think is very interesting. Of those contested, so far, so good, the Government has prevailed in

all of these cases.

We have, in addition, issued some 3,500 warnings and visited over 1.5 million employers. Of course, we had sent out over seven million handbooks earlier. These handbooks played an important part in our employer education phase of sanctions. The most important thing is voluntary compliance. All signs seem to indicate that employers are complying and we are proud of that fact. We think that we have done a good job. The bottom line, of course, is to keep American employers from hiring illegal aliens. We think sanctions are working.

LEGALLY AUTHORIZED WORKER PROGRAM

We are also pleased with the other side of that—the Legally Authorized Worker (LAW) Program. There are more job opportunities for American citizens and legal aliens. These additional job opportunities are being generated by reason of the illegal aliens either not getting the jobs in the first place or getting taken off of them. The LAW program is moving well. Obviously, it is still in its early stages and has a ways to go.

CRIMINAL ALIENS

On the topic of criminal aliens, I think one thing that everybody agrees with is that illegal aliens, involved in serious crimes—narcotics and violent crimes—should serve their criminal sentences and then be promptly deported. We have seen some very good progress and we want to continue and expand this program.

We have been working better with State and local jails to get lists of people as they come out. So we have better documentation of criminal aliens in State and local jails. The bottom line, deport criminal aliens as soon as they have served their sentence. We are pleased with our progress.

INS DRUG PARTICPATION

You are well aware of the involvement of INS in the drug wars. We are full partners in the Organized Crime Drug Enforcement Task Forces throughout the country. A lot of aliens are involved in drug trafficking, and, of course, that is a real nexus for INS to be

involved. We are seizing 60 percent or better of all drugs seized on the Mexican border as an ancillary function to our main role, that

of stopping illegal immigration.

We are proud of the use of the dogs. We have added dogs at checkpoints and points in between. The dogs have worked very well. Our seizures of drugs were well over \$700 million last year, up dramatically from the year before and the year before that. Being very candid, I think the INS is the most effective Federal agency, or any agency in law enforcement, in the drug wars, and

we are proud of that function.

The SAVE system has not always gotten the attention it deserves, but now all States are involved in one way or the other in verifying the status of aliens, who are applying for benefits. We think the savings are good that have resulted from keeping aliens not entitled to benefits off of the roles. We have—and we would like at some point, Mr. Chairman, to give you—a telephone verification demonstration, where you can actually use your touch-tone phone to dial in numbers and determine the status of an alien who has applied for benefits. It has great potential and we will be pursuing a number of additional pilot programs.

BORDER PATROL APPREHENSIONS

I mentioned the Border Patrol, and I have mentioned the enforcement of the immigration law. One factor that I think is very significant and an indicator that the law is working is that our border apprehensions are down over 40 percent since before the law was passed a little over two years ago. This is significant and an indication that the law is working. We will continue to watch border apprehensions. So far, in the last few months, the numbers show a continued decrease.

One contrary aspect is the Central American flow. We have seen a significant increase in the last few number of months there in that group. The numbers are small compared to the Mexican totals, but they are significant. These are tougher cases because they tend to come longer distances and will try harder to stay. So we have taken some very important actions to be consistent to what we have done in the last eight years to enforce our immigra-

tion laws against illegal entry.

I will be happy to respond to any questions as to what we have done, particularly in south Texas, to deal with the abuse of the asylum system. That abuse is like the abuse we faced with people entering the country illegally, the abuse of marriage fraud which we dealt with effectively with the passage of the Marriage Fraud Act in 1986; the abuse of other techniques, and now the abuse of this asylum system I think we are taking the appropriate steps to be sure that these people have the fair hearings to which they are entitled. But at the same time we want to cut back on what is clearly by almost all sources, indicated to be a serious abuse of that system. I think we are being consistent with what we have done before.

ADJUDICATION AND NATURALIZATION PROGRAM

In the Adjudications and Naturalization Program, we expect to experience a significant increase in workload. Even though the workload has gone up, I think we have handled it well as the new legalized aliens submit petitions. We expect at least a 50 percent increase in coming years. With the Immigration Examination Account, the moneys collected will give us and the Congress the ability to add positions aside from the appropriated amounts to deal with the increase workload. We are confident we can continue to do a good job.

So, Mr. Chairman and members of the Committee, INS appreciates the opportunity to appear before you again. I will conclude my statement at this time and be pleased to answer your questions.

[The written statement of Mr. Nelson follows:]

DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT OF THE COMMISSIONER
ALAN C. NELSON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1990 budget request for \$866,459,000 and 13,792 positions for the Immigration and Naturalization Service. When funds from the non-appropriated Legalization Fee (\$54.8 million), Immigration User Fee (\$105 million) and Immigration Examinations Fee (\$26.5 million) accounts are taken into consideration, total resources available to INS in 1990 will be over \$1 billion.

The 1990 budget request includes two program increases. The first is an increase in the Detention and Deportation program, 130 positions and \$9,275,000, to staff and operate two new detention facilities, one in San Pedro, California, and a second facility in Oakdale, Louisiana. Both of these facilities are under construction and will become operational during 1989.

The second increase, 24 positions and \$1,356,000, is in the Training program and will provide staff and operating resources for INS journeyman level training at a new Federal Law Enforcement Training Center facility in Artesia, New Mexico. This will provide for training needs that cannot be met at the existing FLETC facilities in Glynco, Georgia.

The budget also includes a net increase of \$65,005,000 in adjustments to base costs, primarily mandatory increases associated with salaries and benefits for existing on-board staff, \$2,247,000 and 257 positions in decreases related

to management and productivity improvements, and \$28,953,000 and 1,398 positions in program decreases which are requested in order to meet budget levels proposed by the Administration and to bring our authorized positions in line with available resources for personnel and benefits costs. We request a transfer in the estimates of \$4,177,000 to annualize the 1989 transfer of 135 positions moving the functions of the INS Office of Professional Responsibility and the Office of Program Inspections to the Department of Justice Office of Inspector General.

Finally, the 1990 budget requests 13,792 positions, a net reduction of 1,501 from the 1989 level. This level of authorized positions is in keeping with the resources available to fund personnel. It reflects a budget which emphasizes cost effectiveness, productivity improvement, and efficient management.

Since I appeared before you last year a number of changes have occurred in INS' programs, particularly in those authorized by the Immigration Reform and Control Act (IRCA) of 1986. At this time, I would like to review these changes and our accomplishments with you and look ahead to efforts that are planned for 1989 and 1990.

Legalization Program

The first phase of the Legalization Program ended on May 4, 1988, the deadline for submitting applications for temporary resident status. Over 1.8 million aliens applied during the twelve months allowed in the Reform Act. As expected, a "surge" of applications materialized during the last six weeks of Phase One. We anticipated this, and we were prepared for it. Overall, we are very pleased with the manner in which the program operated, given the constraints involved in starting this major national program six months after IRCA was enacted.

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As of February 3, 1989, over 1.3 million aliens had been approved for temporary resident status. We anticipate that by April, 1989, all of the temporary resident applications will have been adjudicated, with total approvals projected to reach 1,730,000.

On November 7, 1988, Phase Two of the Legalization program began. During the 24 months covered by this phase of the program, we project that 1,698,000 aliens will apply for permanent residence. Operations are proceeding smoothly. Some aliens have already received their permanent resident cards. In order to assure the greatest possible turnout, we will again be conducting a public information campaign aimed at encouraging aliens who received temporary resident status to complete the process and become permanent residents.

Fees received from applicants during Phase One totalled over \$287 million. These receipts together with those which will be received during Phase Two will assure that the Legalization Program is completely fee supported as the Reform Act requires.

Agricultural Workers Programs

The Special Agricultural Workers (SAW) Program officially ended on November 30, 1988. As with Legalization, there was a late surge in applications during the final weeks of the program. Over 1,294,000 applications were received. As of February 3, 1989, 357,472 of these applications had been adjudicated, and 335,492 had been approved. Of the over 900,000 applications remaining to be processed, we expect to find a substantial incidence of fraud, which our review process is set up to detect. In addition, organized fraud in the SAW program is being investigated vigorously.

We are now well along with the development of plans for the Replenishment Agricultural Workers (RAM) Program, authorized by Section 303 of the Reform Act. If a shortage of available workers is supported by Department of Labor data, the program will allow the admission of additional workers.

Employer Sanctions

The Employer Sanctions program is now fully implemented. We set a difficult but attainable goal of one million employer contacts during the educational phase of the program. Our personnel achieved this goal and established a solid foundation for this major program. In 1989 and 1990, educational informational activities will continue to be pursued.

Enforcement efforts are well underway. In 1988, warnings were issued to 3,061 employers for possible sanctions violations. Our agents served 648 "Notices of Intent to Fine" on employers for substantial and paperwork violations. Since October 1, 1988, an additional 739 Notices were issued, for a total of 1,387. The Service's General Counsel has taken the steps necessary to assure the effective prosecution of sanctions cases in the courts. Enforcement of sanctions must be pursued as a priority for the law to be fully effective and to maintain compliance in the business community. While we feel that most employers will comply voluntarily, some must perceive a strong possibility that they will be detected and prosecuted before they will meet the requirements of the law.

As an aid to employers, the Service developed and implemented the Legally Authorized Workers (LAW) program. The program provides information on sources of workers authorized for employment in the United States, allowing employers to avoid employing illegal aliens and to comply with sanctions requirements.

Criminal Aliens

The Investigations program has been expanded in order to increase operations focused on removing criminal aliens from the Nation. There is no question that these individuals cause considerable harm and must be apprehended, detained and removed without delay.

In New York City, Chicago, Los Angeles and Miami, pilot projects are fully operational and are improving INS' responses to referrals by local law enforcement authorities regarding arrested aliens charged with drug-related violations, as well as improving access to INS' automated information systems for checking arrested aliens' immigration status.

The Service has assumed a significant role in the Organized Crime Drug Enforcement (OCDE) program. One hundred full-time Special Agent positions are committed to this important nationwide effort. They are getting results. In 1988, our agents apprehended 662 criminal aliens involved in illegal drug activities which were investigated under OCDE initiatives. Drug case related seizures and forfeitures included: \$9.7 million in currency, 184 vehicles, 714 weapons, 1,996 kilograms of cocaine, 2,589 vials of "crack", 145 pounds of heroin, 65,247 pounds of marijuana, and 50 pounds of amphetamines. The value of these drugs is estimated to be \$119.5 million. Clearly, INS has accomplished much through the OCDE program.

The National Alien Criminal Apprehension Program (ACAP) was fully implemented during 1988. Agents were able to double apprehensions over 1987 with over 22,000 criminal alien cases in 1988. This level of activity is expected to continue and grow in the future. We feel that taking vigorous action against

criminal aliens by apprehending, detaining and removing them from the country expeditiously, will be of considerable benefit to the nation and will be pursued as an agency priority.

Systematic Alien Verification for Entitlements (SAVE) Program

We have continued to make progress with the implementation of the SAVE program, a national effort to prevent illegal or ineligible aliens from receiving benefits through federally funded entitlement programs, such as aid to families with dependent children, medicaid, unemployment compensation, food stamps, and certain housing and educational assistance programs. All states are now participating in the program in varying degrees. During 1989, we expect to be increasing the number of state agencies with access to the SAVE database, the Alien Status Verification Index. This information resource contains over 25 million records and can be accessed by seven different methods, including a voice data response using a touch-tone telephone. Full implementation of the SAVE program in all entitlement programs has the potential for saving from \$2-3 billion in payments. This is significant at a time when efforts to control government spending are receiving greater emphasis.

Border Enforcement

During 1988, apprehensions of aliens by the Border Patrol totalled 969,214. This was down approximately 16 percent from the 1987 level and 43 percent below the 1986 level. Based on information obtained by the Patrol from aliens, the employer sanctions program is a key factor in the apprehension decline. IRCA is working. However, economic pressures in Mexico and Central America will continue to motivate aliens to migrate to the United States regardless of the risks and the lower probability of finding employment.

Apprehensions of non-Mexican Nationals reached 40,936 -- up 19.3 percent over the prior year. These individuals came from over 130 different countries. This is an interesting trend which will be watched carefully. It is an important trend because these aliens require longer periods in detention, thus incurring greater costs and occupying valuable space. The State Department has been in contact with the Mexican government in an attempt to stem the flow of people from Central America to the border.

During 1988, we continued to make excellent use of dogs in conjunction with Patrol traffic checkpoint operations. The presence of canine units is a definite deterrent to alien smugglers and drug smugglers. We now have 66 units in operation. Their continued and expanded presence on the border will provide increased strength to our efforts to interdict aliens and drug shipments. In addition, Patrol agents with dogs are also contacting large numbers of school children through our drug education efforts. Through this relatively modest program, over 200,000 students have received anti-drug information by using the dogs to gain the children's interest and promote demand reduction.

INS dogs successfully assisted in rescue efforts in Brownsville, Texas, after the collapse of a three-story department store which trapped a number of people in the wreckage. Six lives were saved as a result of our canine units. In a number of other cases, the lives of aliens locked in railroad boxcars have been saved due to these units.

In 1988 drug seizures by Border Patrol personnel were significantly up over 1987 levels. Agents made 3,257 seizures valued at over \$700.5 million. Marijuana (160.7 tons) and cocaine (6.5 tons) again were the two most frequently

intercepted drugs. The cocaine seized was ten times the amount seized just three years earlier. Border Patrol drug interdiction operations have been a clear success, accounting for sixty percent of the drugs seized on the Southern Border. This is a clear indication of the level of drug trafficking which exists on the land border and, by every indication, is continuing to grow. A strong Patrol presence is essential to the Nation's overall strategy to control and reduce the flow of narcotics across the borders and into our communities and cities.

User Fee Program

The Service has continued to use the User Fee Program to improve and expand inspectional services for international travelers. In 1988, INS personnel inspected 48.4 million persons at airports and seaports, intercepting 76,123 inadmissible aliens (15 percent above 1987 inadmissible intercepts).

Delays have been reduced and service to the travelling public has been significantly improved. The flexibility of this program has been and will remain the key to its success. It has allowed the Service to adjust and expand the staffing of airport inspections around the country, and to keep pace with the growth in international travel during recent years. The program is an excellent example of what can be achieved by cooperative efforts between the Legislative and the Executive Branches.

Adjudications and Naturalization

In the Adjudications program, applications and petitions for immigration benefits increased slightly in 1988, with 2,245,487 applications received compared with 2,221,465 in 1987. In 1989, we expect to experience a significant permanent

increase in this workload as newly legalized aliens submit petitions on behalf of their relatives. Our projections continue to point to a fifty percent increase in the Adjudications program workload which is, according to the Department of State, a very conservative projected increase in workload.

The direct mail initiative, which began in 1986, will be a key element in efforts to cope with the growth of the program. Phase Two of direct mail, which will involve mailing almost all non-interview applications and petitions to our four Regional Service Centers, should be operational by by the end of 1989. Phase Three involves receiving all remaining casework at the Centers. This phase will be completed with the transfer of additional data processing equipment to the Centers from the Legalization program as that major effort is being completed, thus reducing the Legalization program's need for ADP equipment. We feel that the efficient transfer of equipment will stabilize costs in the Direct Mail program.

In 1989, the Adjudications program will have a new source of funds from which to draw and improve its operations and the service to the public -- the Immigration Examinations Fee Account. This account, which was established under Section 209 of the Department of Justice Appropriation Act of 1989, allows INS to retain fees collected from applications, in excess of \$50 million. These resources can be used for expenses in providing adjudication and naturalization services. We anticipate using resources from this account to increase Service Center staffing for Phase Two of the Direct Mail program in order to handle the processing demands related to the increased application and petition workloads.

The Examinations Fee Account will provide the Service with a source of funds that can be applied directly to improving our responsiveness to the public by reducing backlogs and decreasing processing time for applications.

Current Status of Asylum Situation in Southern Texas

I know that you are aware of the recent events related to the flow of frivolous asylum applicants into Southern Texas. In early 1988, 40 to 50 political asylum applications were received weekly. These numbers rose steadily during the summer to over 1,000 applications a week by September,1988. Thus far, 1989 asylum requests are averaging one-third higher than last year. If allowed to continue, this could produce more than 100,000 asylum requests during 1989. In order to deal with this flood of applications under the Service's uniform asylum policy, a task force of 16 immigration examiners and 8 support personnel was detailed to the Harlingen District Office to expedite processing and to deter frivolous asylum claims from economically motivated migrants. Between December 16, 1988 and February 8, 1989, the task force received 10,614 applications.

In view of the growing seriousness of the situation, additional resources are being committed to the effort as a part of a plan to create an effective deterrent to those persons who would manipulate our asylum laws by filing frivolous applications.

The plan includes expedited asylum adjudication in the Rio Grande Valley, a full and fair process for qualified applicants to gain asylum, and detention and deportation for unqualified applicants.

A total of 500 INS personnel from throughout the country will be sent to South Texas to implement the plan. Border Patrol personnel will be augmented to enhance enforcement along the border and to provide additional detention security. Adjudications personnel and support will be augmented to expedite

the processing of applications. Detention and Deportation resources will be augmented to provide for detention of applicants who are in an illegal status and to provide for the deportation of those aliens whose claims are adjudicated and denied.

Approximately 141 INS, Department of State and Executive Office for Immigration Review staff will be detailed to provide fair and expeditious adjudication of asylum claims.

We have already experienced a significant decline in the number of aliens applying for asylum. We feel that this confirms our contention that the majority of asylum applications were frivolous and many were submitted for the purpose of entering the United States and obtaining authorization to work.

Resources have also been committed to Miami and Los Angeles as well. Adjustments will be made to deal with the problems at hand. The situation is being monitored carefully to assure that, if additional steps are needed, timely action will be taken. The State Department has been in contact with the Government of Mexico regarding the need to limit the flow of Central Americans through Mexico. We are hopeful that some progress can be achieved on this.

Conclusion

As you can see from this overview, the Service has made great strides in implementing new programs and in maintaining the performance of on-going efforts. Your interest and support have been and will continue to be essential to our efforts.

Thank you, Mr. Chairman and members of the Subcommittee.

FINES IMPOSED ON EMPLOYERS

Mr. Smith. You say there have been 1,300 fines.

Mr. Nelson. Yes, sir. Mr. Smith. Who are these employers? Do they know they are hiring illegal aliens.

Mr. Nelson. Yes, the criteria for the successful fine, is that they

knowingly hired an illegal alien.

Mr. Smith. Well, why did they think they could get by with it? Who are these employers and what kind of employees are they

Mr. NELSON. I do not have the exact breakdown. We will be happy to provide that for the committee. It is a wide range of em-

ployers. The information follows:

Immigration and Naturalization Service—Employer Sanctions Program—Notice of Intent to Fine

Type of employer: Agricultural	of notices
Heavy industrial	. 19
Light industrial	186 1.158
Private individual	. 5
Other/not identified	42
Total (through February 1989)	1,668

Mr. NELSON. Now, as you recall, the agricultural employers did not come under the law until December 1, 1988. So very few of these fines relate to them. We are just starting to include them. It is a wide range and includes a lot of service industries. But it

runs the whole gamut, if you will, of every type of employer. But the heavy number would tend to be in the service industry.

Mr. Smith. Are you talking about restaurants?
Mr. Nelson. Restaurants, hotels, and other types of services are included, but so is the manufacturing industry. It is a wide range.
As I said we think that the employers, by and large, have been educated as to the law. A high percentage of employers understand and know the law. Most employers are cooperating. We think we are being effective with giving the employer, first warnings as the law required, and next we are issuing fines.

So when we fine somebody, we think we have a pretty solid case that they have knowingly hired illegal aliens. Some of those are paperwork, that is they fail to do the I-9 forms. However, as a general policy, we are looking for those that are knowingly hiring illegal

Mr. Smith. Well, for those that are actually hiring these aliens, is that going to continue? We hear about illegal aliens continuing to come in to this country. They must think they are going to be able to get a job, do they not?

Mr. Nelson. That is correct. I think, Mr. Chairman, it is prob-

ably like any other laws, our traffic laws or laws against substance abuse or anything else. You are going to have some people that are going to violate those laws. Some think they can beat the system. So you build on the voluntary compliance, good faith, and the good

business practice of not hiring illegal aliens, but you have to back this up with enforcement. Some employers will continue to hire il-

legal aliens no matter what we do.

Some employers hire people that they can often abuse, pay less wages or force them to work in poor conditions. That will continue. But it is a combination of factors. We think the employer sanctions, together with better border enforcement which we have built, the SAVE system, and tougher actions on the criminals—all together will give us the ability to cut back on those pull factors that are bringing illegal aliens here. We always have to deal with the push factors—economic and social conditions in other countries. That is the world we live in. We do think the law is working, as intended, and we think we have the right tools to enforce it.

I often to say to critics, give us some better suggestions, if you have any, as to what else you can do to stop illegal immigration. We think that we have the right tools, the right resources, and the right support of the American people. And that is a very important

part of it.

GEOGRAPHIC LOCATION OF EMPLOYER VIOLATORS

Mr. Smith. These employers that are violating the law, and knowingly hiring these illegal aliens, are they located in any certain area of the country, or are they spread throughout the coun-

Mr. NELSON. The employers are spread throughout the country. I think you will find a higher pattern in southern California, Florida, and Texas. These are the areas where you tend to have higher percentages of illegal aliens. As we have said many times before, right here in Washington, D.C., Chicago, and other major cities throughout the country, you will get higher percentages of illegal aliens. The meat-packing industry and others throughout the midwest have similar problems. So the pattern is all over, but the heavier concentrations are in those areas I indicated.

SMUGGLING OF ILLEGAL ALIENS

Mr. Smith. What is the penalty on the coyotes—those who trans-

port illegal aliens?

Mr. Nelson. Well, the penalty on the coyotes can, of course, vary. If you are transporting illegal aliens, not only is it a civil penalty but a criminal penalty also. When we can catch up with the coyotes, we will focus as much as we can on apprehending, prosecuting and incarcerating those people. Clearly, in those cases where you can, you will seek and often obtain jail sentences.

Mr. Smith. The coyotes are certainly an important link. If you are running an ordinary-sized restaurant or a hotel, you are not

going to be able to go out and recruit these illegal aliens. You have

to have one person that you deal with.

Are the penalties high enough on these offenses?

Mr. Nelson. I think they are, Mr. Chairman. I think you have got misdemeanor and/or felony charges that can be brought. I think that overall the penalties are probably high enough in the law. It is a matter of pursuing and catching the coyotes. Of course, a lot of times these coyotes are pretty clever avoiding being caught.

We have an anti-smuggling unit which functions very effectively,

along with our other investigative units.

As I mentioned, we are very active in drug enforcement, especially the organized crime drug enforcement activity. A lot of these smugglers will be involved in drug activity as well as illegal aliens. We are doing well in going after them and prosecuting them.

Mr. SMITH. Is the number of coyotes going down, or are new ones coming up to take the place of the ones that are being prosecuted?

Mr. Nelson. I think that is certainly true. We have certainly seen replacements. It is probably a long-term trend. We have to attack this whole illegal immigration thing from many approaches: to make it more costly to come, more difficult to get across, more difficult to get or keep a job, more difficult to get or keep benefits, and tougher penalties against those who break our laws. The combination of approaches will make the system work better, and, of course, make it tougher for the coyotes to be effective.

There will always be coyotes in the immigration business, as in the drug business and others, that will get involved in illegal activ-

ity.

Mr. Smrth. What are they charging to deliver an illegal?

Mr. NELSON. It ranges, Mr. Chairman. from a hundred or two hundred dollars in low amounts, up to many thousands. It seems to

be what the traffic will bear.

We have stories of people who are affluent paying \$10,000 or \$15,000 to be smuggled across our borders. We have recently read reports in the news media about these airline apprehensions. They will use every method they can from walking across the border, to wading the river, to coming in on a first-class airline ticket. So the methods are wide-ranged.

We also see examples where the coyotes, in some cases, use the illegal aliens to carry the drugs across in payment of their fees.

Mr. SMITH. In that case, you prosecute the illegal alien on a drug charge?

Mr. Nelson. Yes.

Mr. Smith. Or treat them as just an illegal alien?

Mr. Nelson. No. If they are caught transporting drugs, they will be turned over to the DEA or Customs and the U.S. Attorney. Generally, those people are prosecuted under drug charges.

NUMBER OF ILLEGAL ALIENS

Mr. Smith. Now, you said that there were three million aliens legalized.

Mr. Nelson. Correct.

Mr. SMITH. Three or four years ago, we heard a wide range of estimates about the number of illegal aliens in the country at that time. Can we get a fix now on how many there are now?

Mr. Nelson. Of course, Mr. Chairman, it is impossible to have a clear definition of that; by the nature of the illegal business, you

will never know exactly how many there are.

The estimates we have always given in the past are still as good as you can get. The Immigration Service has always felt—and this is going back a year or two now, before legalization—that there are about six to seven million illegal aliens present in the country,

with a net increase of about half a million a year. This is, again, prior to IRCA. So if you subtract the three million legalized, you still well might have three to four million illegal aliens present in

We do think the flow is diminishing, and that is the best hope.

Mr. Smith. Is that a result of some going back?

Mr. Nelson. Yes. It is very hard to measure something like that, because people do not check in with you and say "I am leaving." But we have had indication of some going back, and, again, there is the back-and-forth flow. But, overall, we are seeing a reduction of border apprehensions, and we believe the apprehensions at the border are a very good measure of the flow.

In fact, now with some more Border Patrol on the line and better equipment and a somewhat reduced flow, we think we are able to

probably catch a higher percentage than we formerly did. So we are seeing progress there, but it is still a serious problem.

Mr. Smith. Well, there surely must be some way to measure this. For example, right here in Washington, we know that prior to the passage of the law, many restaurants hired all illegal aliens. I assume they do not do that now since the law passed. They must have figured that was too big a risk.

Now, what happened to those aliens? Mr. Nelson. Well, some have returned while others stay and are involved in illegal employment. This is a long-term transition type situation we have here. It is tougher for somebody who is here illegally to get or keep a job or get or keep benefits. The temptation is going to be more. Maybe I ought to return.

ASYLUM APPLICATIONS

Now, we realize, again, the push factors might be contrary to that. Again, it is a gradual process. That is one reason we have had a lot on this asylum situation, because a lot of the reason for people claiming asylum is merely to get the work authorization. Work authorization now is much more important than it used to be. Without the law, it did not really matter.

Now, a lot of people realize they have to have a piece of paper in order to work. So that is one reason we are seeing people pushing that asylum approach in order to try to get the work authorization

documentation.

Mr. Smith. Is that the major way that they are trying to avoid

going back?

Mr. Nelson. It is, particularly in certain locations—south Florida, south Texas, and, to a degree, southern California.

Mr. Smith. Why don't we talk about it in numbers of people that

are applying for asylum.

Mr. Nelson. Well, these are general numbers. We will be happy to give you the specific ones. About a year or two ago, the flow coming into south Texas was about 8,000. All of a sudden in 1988, the numbers rose to 50,000. The trend shows that without some strong enforcement action, we could see the numbers going well over 100,000 for 1989.

Clearly, that word is out. The way to come in to the U.S. now is to buy a packet of materials from a vendor that is preprinted. The alien puts his/her name on it and hands it in and says the magic word "asylum." And if you do that, you will get, the word is, the "permiso" to travel to work. Well, we are trying to make it clear that that is not the case, and certainly will not be the case.

Mr. SMITH. How many people are we talking about now that are doing this that were not doing it prior to the passage of the law?

Mr. Nelson. We went from under 10,000 two years ago to 50,000 claims last year. The trend shows claims could exceed 100,000 in 1989. With the new enforcement actions, we are slowing the flow down again.

Mr. Smith. These people that are applying for asylum, are they the same types coming to the same place they did before, but there

are ten times as many claiming asylum?

Mr. NELSON. I would say that is a fair statement. About 98 per-

cent of the asylum applicants are Central Americans.

Mr. Smith. Many of these could have just not bothered to apply for asylum before, because they could get a job anyway.

Mr. Nelson. Correct.

Mr. Smith. Even though it was legitimate.

Mr. Nelson. Correct.

Mr. Smith. Have you got any way to estimate how these fraudu-

lent claims of asylum compare to legitimate ones?

Mr. Nelson. Based on our review, the great majority of the claims appear to be frivolous. They have all had the opportunity to present their case and give information to us, to an immigration judge and so forth. A lot of them have no claims for persecution whatsoever, which is the standard for asylum. So it appears that the great bulk are, in fact, frivolous.

We do a case-by-case review with the asylees having the opportunity for counsel, and the right to present any written or oral testimony they might have, before the Immigration Officer. The State Department gives them an advisory opinion, and they can renew that before the independent Administrative Law Judge, the Immi-

gration Judge.

CONSOLIDATION OF ASYLUM PROCESSING

Mr. Smith. How long does it take to process someone that has a

frivolous claim for asylum?

Mr. Nelson. That is an excellent question, Mr. Chairman, because I think this is where the problem has been. We are a very generous country, and we ought to be. We believe in a full due process system, and we ought to do that. I think we do. The problem is some people are able to delay the process by going through all the various hoops—the interview with the Immigration Officer, getting the State Department opinion; on to the Immigration Judge; the hearing; getting counsel; doing all the steps; and even after that appealing it to the Board of Immigration Appeals and on to the Federal courts. People can drag the legal process out for literally years.

What we are doing now is not changing the system; we are just consolidating it. For the first time, we have asked and the State Department has complied in having their officers down in south Texas on the site so they can give their advisory opinion immedi-

ately. We are having our officers do the interviews promptly. If these are invalid claims, we are then serving an order to show cause for deportation, putting them under arrest, and then getting them as fast as possible before the Immigration Judge. We also are getting assistance from the Executive Office for Immigration Review (EOIR) so that the Immigration Judges are on site and hold hearings as quickly as possible.

INS and the State Department, within a day or so of the claim being presented are able to make the basic determination. If it is a frivolous claim, it is not all that complicated to get it ferreted out.

Generally, within a week or two, the claimant can present his/ her claim before the Immigration Judge. They might get a little extra time to obtain counsel. Generally, there is no reason, their hearing before the Immigration Judge cannot be scheduled within two weeks. The judge would take whatever time is needed—but it should not take too long-to make his or her determination.

Now, while they can appeal beyond that point, if they are denied, in most cases once they have had their full evidentiary hearing, and if they do not have any basic claim, we would hope and presume that most would. They would not want to stay in detention but would agree to return voluntarily. The U.S. Government would pay their way back, or, if necessary, of course, we would deport them.

We are hoping to make a more efficient process, and to take away this ability of people to abuse the system. So within a few weeks of initial apprehension, we would hope that they would have had the full gamut of their due process hearing, having ample time to get counsel, to present their case, and to get a basic determination.

REAPPLICATIONS FOR ASYLUM

Mr. Smith. Do you have those that use frivolous claims of asylum returning again?

Mr. Nelson. You mean going out of the country and then coming back?

Mr. Smith. Yes.

Mr. NELSON. I am sure that is true. I do not have any documentation on that, but it is probably no different than, say, a Mexican illegal alien who we apprehend, and return to Mexico.

Mr. Smith. Right. It used to be they only stayed out 24 hours.

But are they returning and asking for asylum?

Mr. Nelson. Oh, it varies. Again, I will go back to my earlier answers. The better we are enforcing the law and making it harder to get across the border or harder to get and keep a job, et cetera, the more it is going to cost them in terms of money for a coyote, and in terms of an inability to make it. Hopefully, a lot more will be dis-

Mr. Smith. Well, do you have any way of knowing immediately whether or not you have processed them on a frivolous claim of

asylum previously?

Mr. NELSON. Not entirely. I mean, one thing we are doing and I think you maybe have asked this question before, or other members of the Committee have and that is how about the typical Mexican illegal alien? Do we know he has made a number of trips? In some cases, you recognize them, or they do have documentation and they can be checked. The problem is people use different names and this makes it more difficult.

One of the things we are looking at, which I know the Committee is interested in, is this automatic fingerprint system, which is in the developmental process. Eventually, we would hope to have a good system where you can make an instant identification by a fingerprint check and be able to say, yes, this person has come across before.

Mr. Smith. But as of this year, you do not have a system.

Mr. Nelson. Not now. Congress has mandated it; I believe a report is due by October of this year and we will have a report by then. We are under way. We had a meeting out in California a month ago with the State of California and other officials to look at some prototype systems to put in and test. This will be done, probably starting in May or June. The report is due in October.

INS AUDIT

Mr. Smith. There has been some publicity about a recent audit of

INS. What can you tell us about it?

Mr. Nelson. We will be happy to respond to that, Mr. Chairman, and we will submit to this Committee what we previously submitted to the Senate Immigrations Subcommittee. The article was in the paper about a leak last Friday. At that point, I submitted to them, and I would like to submit the similar documents to you, first of all, the audit report itself.

Mr. Smith. All right.

Mr. Nelson. Normally, this would not be a matter of public information. But it was leaked, unfortunately, and since it was on the front page of the Post, it seems that it would be appropriate for the Oversight Committees and the Appropriations Committees to

have it. So we will submit the audit.

The second document is entitled "Accomplishments of the U.S. Immigration and Naturalization Services." It says January 1989. This document we prepared and submitted to the Attorney General on February 15th, the exact date of the audit report. So really this

is, you might say, part of the audit. [CLERK'S NOTE.—The information is on file with the Subcommit-

tee.]

INS AUDIT FINDINGS

Mr. Smith. When was the audit requested?

Mr. Nelson. About the beginning of the year. I believe it was December 30, 1988. Attorney General Thornburgh asked that both the INS and the U.S. Marshals Service have an audit conducted, and the report was to be submitted to him by February 15, 1989. That was done.

Mr. SMITH. Could you summarize some of the principal points for

our use here at this hearing?

That gives the overall program accomplishments as opposed to the audit, which tends to be just a list of exceptions.

Mr. Nelson. I will, sir.

A third item also submitted was my memorandum to the Attorney General dated March 2, 1989, which was not related to the press. It just happened to come out that same day. It gave a couple of main points, and I think our main point in responding is audits are important. We do our own audits. The Justice Department, our parent agency, does audits and properly should. GAO also does. We

have oversight. So there is no argument there.

Maybe Mr. Flickinger or others can comment. We felt the time to do the audit was awfully short, so they had to do a very quick job. Our concern was they failed. As the audit director from Justice stated and I state an audit lists only exceptions, not the things we are doing right. That is all right as long as it is disclosed. I use the example of a stock prospectus that, if you are issuing a prospectus for a stock offering, by legal requirements you must put in boldface type what this prospectus represents and what it does not. I think that should be on the audit, that this is strictly a list of exceptions, and does not look at overall program accomplishments. We think this other document does. We stand on the record and the background of what INS has done and is doing, and that our program effectiveness has been excellent overall.

In fact, the Attorney General, about two weeks ago at a Senate Appropriations hearing, in part of his written testimony, made the statement that INS has had increased efficiency and productivity in its programs over the last couple of years. That was the basis for some budget cuts in certain areas. So I would say we will stand

with that comment.

So I think it is the big picture, and part of this paper that I made part of the record is something that actually I have drawn up. It just shows a pie, if you will, with a small wedge. The total pie is total INS program effectiveness. The small wedge is the audit-addressed deficiency.

So even if you take every audit finding as entirely accurate they are talking about a very small part of the overall operation. We think it is appropriate for the Congress and the Administration to just be sure it is in that perspective. We will stand on the record

there

We are in the process of a fourth document which is not ready. It will be either by the end of today or tomorrow, and is a point-by-point response to the audit. I have reviewed that. It is basically edited. The final I will submit.

Mr. SMITH. We should get that and put that in the record, too. [CLERK'S NOTE.—The information is on file with the Subcommit-

tee

Mr. Nelson. Yes, sir.

Mr. Smith. But at this point, respond to the principal criticisms. Mr. Nelson. Of the audit response we are coming in with, I think there were 50 findings, and our analysis is that we agreed totally with five findings, or ten percent. We agreed partially with another 20; that is a total of 50 percent. Fifty percent of the audit assertions we entirely disagree with. We think they are inaccurate and are just not responsible. That will be covered in our point by point submission.

Again, I will put it in perspective. The audit is fine. We agree with it. I think the auditors were under a lot of time pressure. Our major point is that whatever findings there were, the most serious one that was asserted—and let us say it is accepted—still is a very narrow point in comparison to the overall program effectiveness.

As I mentioned in the Senate hearing, whether it is General Motors, the corner grocery store or an agency of Government, every organization needs review, needs auditing and needs improvement. That is certainly true of INS, but overall we——

INS ACCOUNTING SYSTEM , ..

Mr. SMITH. Well, is your backlog getting worse? Do you have

some improvements to make in your accounting system?

Mr. Nelson. We do. On the accounting system—and maybe Mr. Perrelli can elaborate on that—the accounting system we have is authorized—it is not mandated—by the General Accounting Office, and it is certainly a proper authorized system. We have realized and have asked the Department of Justice for some help because, as I understand it the whole Department has to improve their accounting system. So we say it needs improvement, but I do not think that there is any indication that we have a system that is out of sync with others.

LEGALIZATION PROGRAM BACKLOGS

On the backlogs, if you look at that Legalization Program as an example where we put together a program in six months. We hired 2,000 new employees, opened a hundred new offices, produced millions of forms, and generated massive publicity campaign. I would assert it is one of the major accomplishments of any Government organization in the past 50 years to put together a program that well and that effective, and we did it on time. We raised the money to handle it, and it was done fairly and efficiently.

Now, that is an example of what we can do and what we are

doing.

One of our aims, as we implemented IRCA, was not to impact negatively other existing programs. By and large, we have stuck with that. Backlogs will be cyclical. Sometimes in some areas they might go up and some areas down. Overall, our productivity on backlog or on adjudication of cases has improved, about 11 percent over the last few years despite this tremendous workload of the immigration bill.

Generally speaking, our backlogs are in generally pretty good shape. We have had an increase in work but still our backlogs have not risen. We have improved our data processing—and that has been an interest, I know, of this Committee, and I think we have done a lot in the last eight years in that regard. We think we have made massive strides in not only keeping up but improving the whole system.

Mr. Smith. Are you saying the backlog is not worse today than it

Mr. Nelson. Generally, that is correct. It is not worse. I think in a few areas it has been up, and, again——

Mr. Smith. Compared to when?

Mr. Nelson. Compared to before the immigration bill.

We have had a general reduction. We are going to have some cyclical ups and downs. We will give you the exact figures, but overall our backlog has been handled well and kept current.

MEDIA PRESENTATION OF AUDIT

Mr. Smith. I am taking too long. Mr. Rogers?

Mr. Rogers. Thank you, Mr. Chairman.

Good to see you again, Mr. Nelson, and your staff.

Mr. Nelson. Mr. Rogers, good to see you.

Mr. ROGERS. While we are on that subject, let me just continue

for a couple of minutes, if you would, please.

I gather from your answering the earlier question that you do not consider the audit a very credible criticism of your program, and as more in the nature of sort of a conversation between Justice and INS?

Mr. Nelson. I think it has been blown greatly out of proportion by the leak and whatever. Any audit is credible, and I do not want to indicate that we do not think it is credible. Even if there is one finding that we do something more about, that is fine. We will

pursue it.

I think the audit did not give the proper perspective which it should have. Of course, then with the media the way it has been approached, giving the impression that the whole organization is in difficulty—which, clearly, in that regard is not credible. I do not know whether it meant to assert that. The Attorney General's charge was fairly broad, as I read it, a comprehensive review program. I do not think the audit did that. They admittedly did not do it, and they did not make it clear that they did not give a comprehensive review.

So in that regard, I would say there was a concern more of the misinterpretation by the media and others. Again, we will stand on the record, and we would certainly ask the Committee and others to look at the overall programs, where they have been, where they have gone, and where they are. It is like the balance sheet. We think the balance sheet, as with a company, is very, very good, and the profit and loss statement for the last year is very, very good.

the profit and loss statement for the last year is very, very good. Now, in that balance sheet, you can show a few liabilities, and you say, well, maybe we ought to do more about those. Or in the profit and loss say, well, some of your expenses might have been cut down. This is true; no argument. But if you look at the big picture, you can say we had a very successful year and a very successful balance sheet.

Mr. ROGERS. Well, I think we would—certainly, I would—agree that you have been under siege by them, just the number of people you have had to deal with coming across the borders, and, by and large, have handled it, I think, in a very nice way. But let me ask you about a couple of these that the newspaper mentioned that would be of some concern, if true.

SPECIFIC AUDIT FINDINGS

One of them, they say that many immigration fraud investigations are, what they say, "in the state of collapse." The newspaper said that in the Dallas district office, for instance, 118 investigations of fraud, immigration fraud, were in progress in December. The audit says they discovered that only one case was an active investigation, and that 104 had never been active.

Is that inaccurate?

Mr. Nelson. Yes, it is. In our audit response, we address that and other findings in a point-by-point response. Hopefully we will be finished by the end of the day or tomorrow at the latest. Having reviewed it, though, I believe that it was one of the findings that we say is entirely inaccurate. These investigations were going on, and they were properly being conducted. The finding does not reflect the true position at all.

We will submit the formal response to you on that.

Mr. Rogers. Perhaps it would be better if we wait for the response. I am sure the written response would be much more help-

ful than just a verbal response today.

I would be concerned, too, if the newspaper account is accurate on another point, that aliens are frequently granted citizenship without the required fingerprint and background checks. I would be deeply concerned, too, if the allegation were true that the different INS offices appear to make decisions with no consistent criteria. They cite in one office 64 percent of the applicants to the Special Agricultural Worker program were approved or legalized while an office ten miles away legalized only 21 percent. I would be concerned if that were accurate.

Mr. NELSON. Well, I think we all would. It is the perspective issue because some of those comments make it sound like this is a

broad practice.

Remember, we are dealing with human beings, and there are millions and millions that we deal with. Other human beings working for the Government make the determination. It is like a judge. A judge in one part of the country hearing the same case as somewhere else might come to a different conclusion. You have to know

On the other hand, we think our standards are good. There might well be patterns of flow. In some cases, it is like our south Texas view with the asylum. Many people come in at a certain place, and beat the system, and you would go there, too. So it might well be a higher incidence of fraud in a certain area.

Again, our written response will reply to that. A couple of examples that I point out in this memorandum, the perspective thing again. We have talked about legalization, three million and climbing. One of the findings—I do not know if it was in the news article, but it was in the audit—was that the audit team looked at a couple of hundred applications and found that in some cases the team believed we should have approved applications which we believe

should have been denied and vice-versa.

Well, again, they say, you processed three million claims and a couple of hundred might have gone different ways. That is going to be true in any program, even if they are right. Of course, we do not know what standard they had. Again, the failure of perspective, and I think that is true in investigations, which is a point you just mentioned. We have been conducting thousands of investigations in a good and effective manner. The figures I gave to the chairman on employer sanctions have been an outstanding indication of both numbers and impact upon the fraud investigations and the drug activity, both investigations and seizures. The statistics—I will use my balance sheet profit and loss statement as an example—are

very good. That is the big concern we have about the audit and its

impact.

Any problem we have we want to correct, and we are committed to that. We have done an excellent job, and we are committed to doing so. Any of those findings, we are looking at them. And as we pointed out in the response with corrective actions indicated that there are some problems, a lot of which are already underway.

POSITION DECREASE IN 1990

Mr. Rogers. Let me switch gears with you.

You show in your budget request a net decrease of 1,501 positions. Are the requirements in your operation going to change that

much next year?

Mr. Nelson. We are all under tough fiscal times with the budget deficit problem. The Administration in the last eight years has been very generous to INS, as has the Congress. We have been going from a \$450 million budget seven or eight years ago to a billion dollar budget today. So we have done very well.

Now, as you point out, Mr. Rogers, there are some deductions in addition to the increases we have asked for. These are tough, but this is a tough budget time. So I think we can live with them.

The other aspect of that, which I mentioned earlier, is that of the user fee accounts. With them we are able to add a number of positions in a number of areas that will help deal with staffing.

BORDER PATROL POSITION REDUCTION

Mr. ROGERS. Well, but a third of that net decrease is in the Border Patrol, a reduction of 552 positions in the Border Patrol. Now, are you saying that the level of activity at the border justifies that kind of a reduction?

Mr. Nelson. Well, obviously, from a provincial point of view, we would rather not have those cuts. We feel, however, that we have had some very significant increases in the past. So we certainly can

live with these cuts.

It is one of those tough kind of budget calls. I know at the Senate Appropriations hearing a week ago, as I mentioned, with the Attorney General, Senator Rudman said, that is one issue we are going to take a look at and so forth. I think that is certainly something for the Committee to look at also, trying to balance this very difficult situation with the nation's budget deficit.

We can live with that. We certainly support the budget as sub-

mitted.

Mr. Rogers. What was your request to the OMB?

Mr. Nelson. I do not have that. Do you, Mr. Perrelli, offhand?

Mr. Perrelli. It was just over \$1 billion. Mr. Rogers. As opposed to what? What is it?

Mr. Perrelli. It is \$866 million.

Mr. ROGERS. On the Border Patrol, what was your request? What is included in your request? These kinds of reductions? Did you ask for this, or did OMB force this upon you?

Mr. Nelson. We all know the process. I suppose every agency in Government asks for additional resources. In the process of going before their senior department and the OMB, often it results in cuts—although in this case obviously we would have liked to have somewhat more. Mr. Perrelli indicates our request was higher. We certainly did not ask for these cuts. We are team players and have been. We have been treated well by this Committee and the Congress. So certainly we think within the overall budget requirements that this is a reasonable request, even with these cuts.

Mr. Rogers. Well, at your request to OMB, your staff level would

have been roughly what it was last year.

Mr. Nelson. I believe that is correct.

Mr. Rogers. But with OMB-mandated cuts, you felt compelled to reduce, among others, the 552 Border Patrol positions, right?

Mr. Nelson. That is correct. Although, again, we have had—I think it is appropriate to say, with OMB's support, of course—significant increases over the last several years.

ACCOLADES TO BORDER PATROL

Mr. Rogers. Well, I must say, here is one member that will be quite concerned about cuts in the Border Patrol.

If there is one agency that is doing its job in not only interdicting

illegal aliens but drugs, it is the Border Patrol.

I just think they are doing a super job under extremely severe circumstances. To further strain that thin green line, or what-

Mr. Nelson. That is a good description, and we appreciate your

compliments. We certainly agree with them.

Pardon me for interrupting, but I was in south Texas a couple of weeks ago. I went to Laredo for a major celebration for Washington's birthday, and I will tell you, I was never more proud in my life.

Here is the Border Patrol, which is the top law enforcement agency in that community. As you go around town, you see bill-boards that say "Say 'No' to Drugs," and pictures of the drug dogs.

They had a parade, and the Border Patrol was in there again

with the dogs and the uniformed members.

The Border Patrol sponsors an explorer scout group. They have a soccer league they sponsor, and they are really big in the communi-

We went to a reception, and the publisher of "The Laredo Times" came up to me. It was almost embarrassing how ecstatic he was about the Border Patrol. He said, "This group has really become part of the community."

There is a new Sheriff down there. He said, "I want to do a lot of what the Border Patrol is doing and getting involved in." We saw that replicated in McAllen, in the Arlington area, and they are

very proud of that.

They have done it, and others have, too, but clearly, I think that

is an indication.

I was in Arizona to dedicate two new Border Patrol stations just a week or so ago. Again, there was tremendous involvement in the community. I know Mr. Kolbe is aware of that. We are really proud of the job that they are doing.

We think they are doing a great job in the country. In the interdiction of drugs, we are the "biggest act in town" out there in terms of effective seizures.

Mr. Rogers. If you are going to have some cuts, boy, I would cut somewhere else and beef up the Border Patrol. It seems to me that

that is a poor place to try to balance the budget.

I guess Mr. Early and I are probably the loudest on the automated fingerprint identification system, and I am sure he is going to ask you more details about that, but suffice it to say from my point of view that that initiative is on our minds and will stay on our minds until we see some sort of solution to the problem of repeat crossers; I will let Mr. Early delve into the details of that. For me, I would like to have another study, but——

[Laughter.]

MACHINE READABLE VISA PROGRAM

Mr. Rogers. But I am sure he may not agree to that.

Then, the conference report, as you mentioned, to the 1989 bill—we wrote in the requirement that you are supposed to report to us by October 15th of this year on your results.

I hope it is progressing, and we do not want another report to lay on a dusty shelf somewhere. We really want action. We want

things to happen. We have had enough time to study it.

Machine readable visa—where are you and the other agencies on the machine readable visa program, rather than the drug bill? And what do you expect your activities and time requirements to be for next year on that?

Mr. Nelson. We have been working, Mr. Rogers, with the Customs Service and the State Department on that issue. I think that has been a good example of interagency cooperation in that area, as well as a number of other areas.

It is moving along. I do not have the details.

One of the INS staff can elaborate on that. I know we have been working with them—having seen the contrary in some earlier cases—there has been good interagency cooperation. I think we are going to make some progress.

Mr. Robinson, from our Information Systems staff, might want to

elaborate.

Mr. Robinson. Yes, sir.

As the Commissioner indicated, we are working together with Customs and the Department of State pursuant to the OMB study of this area.

We are in the process of forming our multi-agency working group, pinning down our requirements as recommended by OMB.

The primary inspection has to be supported by the TECS Central Data Base as augmented by other records. We are determining exactly what records need to go into that.

In other words, we are going to end up with a consolidated system serving the whole border activity based on the TECS II system, using the machine readable documents and the document readers. We are putting together our plans right now to go forward with that.

Mr. ROGERS. We have been hearing that for a long time. That is all we ever hear, "putting together a plan."

When are we ever going to get to the bottom of this thing? Surely, if we can send a man to the moon and get him back safely-two decades ago almost-and all of these incredible things we are doing with machinery and electronic gadgets these days, why can we not get a machine readable visa and practice? That is a puzzle to me.

Mr. NELSON. Well, we certainly think we are making good

We all think it is a great idea if it works and it is cost effective and feasible. We believe that progress is being made.

We think, again, with a lot of other programs, too, in terms of

automation, not only-

I can appreciate the frustration expressed in your example of the man on the moon. It does take time to get things developed and to get there.

We are pleased with the way our automation effort is going. We certainly agree with you that it is important, and that automation

is the way to go.

Looking at INS eight years ago compared to where it is now, we

have made lightyears of progress in terms of automation.

Mr. ROGERS. What is the current time table for completion of

this system and the full cost to implement?

Mr. Nelson. All right. Mr. Robinson, can you answer that ques-

Mr. Robinson. Yes.

This is going to be a multi-year project.

Mr. Rogers. Be more specific. Mr. Robinson. Four years.

Mr. Rogers. From?

Mr. Robinson. FY 1989, 1990, 1991 and 1992.

The cost of doing that is roughly \$40 million. That money will be made up of a combination of the inspection user fee and the drug

Specifically, what we need is the funds that were authorized in the Anti-Drug Abuse Act of 1988, that would be approximately \$7

million to be appropriated in each of the next three years.

We have that money in 1989 and that will carry us through 1989. We need that money again in each of the next three years in order to implement the whole program and automate all of the ports of entry with the necessary equipment and issue the machine readable documents.

Mr. ROGERS. So at the end of the fourth year, including this year-1989-at the end of that time, we would have a completely automated system at all ports of entry fully integrated with the State Department and all the embassies, and so forth, and would be implemented and in operation, period?

Mr. Robinson. Yes, Sir.

Mr. Rogers. Is there any way to shorten it? Mr. Robinson. No, sir, I do not believe so.

Mr. Rogers. Why not?

Mr. Robinson. It just takes time, as far as the implementation of the system to cover that many locations, getting everybody trained,

and getting the equipment properly installed. It just takes a period of time to accomplish all of these activities.

There is a limit to how much you can absorb in a given period of

time.

Mr. ROGERS. Now, that is the INS appropriations?

Mr. Robinson. Yes, sir.

STATE DEPARTMENT AND U.S. CUSTOMS COOPERATION

Mr. ROGERS. Does the State Department, or anybody else, need any more monies to implement this on their end of things?

Mr. Robinson. Yes, sir, they do.

The State Department, I believe, got \$5 million this year, and I think they need that much. I do not mean to try to speak for them, but they will need similar amounts in succeeding years.

The Custom Service, has some requirements of their own. I think

it is in the same neighborhood.

Mr. ROGERS. Well, are you getting the proper cooperation out of the State Department and the other agencies?

Mr. Robinson. Yes, sir.

Mr. Rogers. No glitches on jealousies between agencies or any-

thing else?

Mr. Robinson. No, sir. We have gotten over a lot of that. We have working agreements in place between us, and I think we are well on the way to a good cooperative venture.

FUNDING FOR MACHINE READABLE VISA PROGRAM

Mr. ROGERS. Is there a request in the Fiscal 1990 appropriation for monies for this project?

Mr. Robinson. No, sir. I think this is being sent up as a separate

drug supplemental.

Mr. Rogers. So your Fiscal 1990 monies for this project will be in the supplemental?

Mr. Robinson. I believe so.

Tom, would you like to answer that?

Mr. Perrelli. Congressman Rogers, the funding for this, as Mr.

Robinson indicated, comes from the appropriated account.

The \$7 million that you put in this year would be from the drug bill, plus from the inspection user fee account. That account is \$105 million a year.

I think we have to keep in mind that this is the first year that this money has been available It will be carried in the base in sub-

sequent years.

Obviously, if it gets to be more expensive in the out years, it will put more pressure on the inspection user fee account to pay for that.

We have had no plans to submit a supplemental.

Mr. Rogers. So you are going to try to finance it out of the agency?

Mr. Perrelli. Yes, plus the appropriated account.

Mr. ROGERS. Well, we are going to want periodic reports on this. That is one of our priorities that we want done, and we are giving you the money.

If you cannot do it, let us know, and we will try to find somebody else to do it.

Mr. Nelson. Okay. Thank you, Mr. Rogers.

We are committed to this, too. I appreciate the interest of this particular Subcommittee. It is an important area, and it is a far-

sighted thing.

We are pleased to work with you. We will provide reports and briefings whenever needed. I think it might even be desirable, at some point, to come up, and give you some demonstrations of the system, or have you come out to the different test locations so you can see what has been done and what is being done.

As Mr. Perrelli indicated, we have just really gotten the funding on this. We are off to as good a start as you can reasonably expect. We are committed, and we will continue to do that.

Mr. Rogers. Thank you very much.

Mr. Early.

Mr. Early. On your last set of replies to Mr. Rogers' questions

we are just kidding ourselves.

You said you are going to implement a program. It is going to cost \$40 million for four years, yet you don't have \$10 million in the budget to do it this year.

Last year, the State Department told this Committee that the equipment account would cost \$15 million. Three years at \$5 year.

Mr. Nelson, this is crazy. Where is the \$10 million? You just told the Committee you are going to do a program in four years, and it is going to cost \$40 million. Where is the \$10 million to do it?

Mr. Nelson. I would like to refer to the experts on the program. Mr. Robinson. It is a combination of user fee and the drug money

Mr. EARLY. Have you got a line item request for it? You think the \$40 million is all in the INS request?

Mr. Robinson. Yes, sir.

Mr. EARLY. I thought the State Department told us last year that this year it was \$15 million. And that they were going to pay \$5 million each year from the State Department budget for it.

Your response to Mr. Rogers is a typical response. I am going to go refer to the audit report now.

AUTOMATION FINDINGS IN THE AUDIT

On automation, the report states with regards to AIS, the Automated Information System, and IBS, the Interim Budget System-

"The system has antiquated software, is not user-friendly, information is not timely, it is difficult to maintain, and has no on-line capabilities.

With regards to FACS, the Financial Accounting and Control System-

"This is a labor intensive antiquated system which is no longer able to respond to financial managers changing information requirements.

With regards to VIPS, the Vendor Invoice Payment System— The audit report says,

"The system is inefficient and difficult to use. Some regions have abandoned it, and they are using manual procedures.'

To DACS, the Deportable Alien Control Systems—

"The data are only 50 percent reliable."

To STAN, the Standard Transaction Acquisition Network-

"The existing system does not adequately support its users. As a result, STAN has essentially been abandoned pending major revisions."

Now, it also says that "Increasing resources alone will not correct these problems." I agree with that. Whether you do or not, I do not know.

The report also states,

Top management must recognize the need for financial accountability and must be willing to devote full support to achieving it.

Why has INS allowed itself to get into this position, Mr. Nelson? Mr. Nelson. Mr. Early, you seem to be reading from the audit report. As I said earlier, we greatly dispute a lot of the comments. I think we, sometimes, all get into a position that if you read

something in the paper, it is true.

Let me answer these points a little generally.

When I came into the INS Commissioner's job seven and a half years ago, one of the first things the then Attorney General, William French-Smith, said is that:

"I want you to take steps to get that agency up to the 20th century and automate it.

Now, I will stand with anybody in what we have done in eight years to move from where we were to where we are today. That does not mean that we cannot improve and do more. I will fully agree with that. Just remember that automation itself continues to change.

So if you take, say a system that is outmoded, well, it might well be, because things have changed in technology and everything else.

But I would say the job we are doing in terms of automation, in terms of service to the public, in terms of accomplishing our mission, has been very effective and that includes automation.

We always have to put it in perspective.

We will be submitting a detailed response to the audit report. You should have it today or tomorrow, on all the audit points, and

including those you just raised.

But I might, at this point, ask Dr. Elizabeth McRae, who is our Associate Commission for Information Systems, to address this topic. I will give her a a lot of credit, because I think in her tenure during the last few years at INS, she has brought some real leadership, and Mr. Robinson with her, to this whole area.

I will ask Dr. McRae to elaborate.

Mr. EARLY. Wait. Before we get to her, I have seen the INS organization chart. She does not report directly to you. As far as automation is concerned, it gets to you through several other people.

1986 GAO AUTOMATION FINDINGS

Never mind this audit if it is not right. This audit says many of the same things that were in the 1986 GAO studies.

Do you want to talk about them? I am sure you have read them. They say the same things that are in this new audit.

Have you read the 1986 GAO studies? Mr. Nelson. I am sure I have, Mr. Early. Mr. EARLY. With regards to automation?

Mr. Nelson. I am sure I have.

Mr. EARLY. Sure.

It said the INS technology selection process "is weak, informal, and inconsistently applied."

These things were mentioned in 1986 and are the same things

that are mentioned here, Mr. Nelson.

Mr. Nelson. Well, again, two things must be considered.

One is that we, of course, have responded to the GAO audits. Also, there is a perspective issue. Where have you started? Where are you? What have you done? You can always improve it.

Second, we will be submitting, as I said, within a day or two a more detailed response to the audit report, and I ask you to read it.

I would like Dr. McRae to be able to respond, because I think she can elaborate on some of the items you have just read.

ELIZABETH MCRAE TESTIMONY ON AUTOMATION

Mr. EARLY. Okay, but you told me last year you have only been in this position how many years, Dr. McRae?

Ms. McRae. Two years. Mr. Early. Two years.

Mr. NELSON. She has had experience, obviously, in other locations before that.

Mr. Nelson. Go ahead, Dr. McRae.

Ms. McRae. My comments about the audit report are perhaps

stronger than what Mr. Nelson will send forward to you.

Regarding the findings about the lack of planning, my response, which I presented to Mr. Nelson, simply said that the findings are a lot of nonsense, and the auditors have plagiarized from our own planning documents.

Every single thing you see there, they copied verbatim from our planning documents, where we identified systems that were old, out-moded, and needed to be replaced. They did not even do their

own research.

I am outraged at the intellectual dishonesty of the auditing of that particular area.

Mr. Nelson's comments when he puts them together may not say it quite so strongly as that.

They plagiarized. Those are not even their review findings.

We know all those things. Those are all in our tactical plan. They are all part of the plan where it says, "These systems are

They were developed ten, eight years ago, when we did not know much about the developing systems. They are not used anymore. They do not meet our needs. The times have changed. Here is what we are going to be fixing.

All they did was take out the part that said, "This system is out-

moded," and presented it as their own review.

That is intellectually dishonest. I think you should reject that

finding.

Mr. EARLY. I appreciate you saying that. I will certainly give you all the time to prove that.

But, you do know that that was the same thing that was said in the GAO reports a few years back?

Ms. McRae. That is right. It was two years ago, and we corrected that.

Mr. EARLY. All right.

Ms. McRae. Ask the other people in the Department. I think

they all agree.

You take the whole future of eight years. Yes, the first eight years, we tried to do an awful lot of automation without enough planning.

In the past two and a half years, with Mr. Nelson's support, with our staff support, we have done an awful lot more planning, and

that is how we do business now.

I very much object to the nonsense, the incompetence of the audit team in this particular area.

COST OF AUTOMATION

Mr. EARLY. I appreciate that, but you have only been in it for

Doctor, would you now explain how we are going to have this program, that was mentioned in Mr. Rogers' questioning, if it is \$40 million for four years and no money is requested for it in this

The Data and Communication account is reduced in this budget,

is it not, Dr. McRae?

Ms. McRae. The appropriated money is reduced. We have money from the legalization fee account and the inspection user fee account. We have money from the adjudication reimbursable account.

Mr. EARLY. How much money do you have when you add up

those accounts?

Ms. McRae. Seven million dollars.

Mr. Perrelli. The total funding from reimbursement accounts, Congressman Early, would be at \$225 million in 1990. Mr. Early. Okay, but she said "seven."

This program that we just spoke of was four years at \$40 million. That is \$10 million for just that program.

That is not taking the IBS, the FACS, the VIPS, and the DACS

systems into account.

Mr. Perrelli. That is \$225 million per year, sir, for the next fiscal year. In fact, depending on any change in appropriation lan-

guage, those numbers will go up—the reimburseable accounts.

Ms. McRae. The appropriated funds are not in the majority of our total budget in that area. I think they are maybe about a half,

maybe even less in the 1990 time frame.

Mr. Perrelli. You will find monumental expenses in the out years coming in under the examination fees account. That account will generate an operating budget of about \$50 million a year.

The first year, which is this year, will be primarily to begin upgrading automated systems. There is almost \$21 million. This year, we will go into automated systems.

ORGANIZATION STRUCTURE

Mr. Early. Everyone—all the members of this Committee—have

certain things they think are important.

It's your automation system in this member's eyes. I just think when we do not automate, we are not doing anything as far as long-range planning.

Mr. Nelson, in your chain of command, Dr. McRae is way down

here. She does not report directly to you.

On automation, no one reports directly to you.

Mr. Nelson. I am not sure what organization chart you have,

Mr. Early.

Basically, we have a matrix management system where myself, as Commissioner, and the Deputy Commissioner operate out of the top box. We have a line of authority that runs through four regional Commissioners onto the districts and the Border Patrol sectors.

Then we have the Program Managers at headquarters, a number of Associate Commissioners, including Dr. McRae. She does report

to the Deputy Commissioner and to me.

So I do not know what chart you have there.

Mr. EARLY. Well---

Mr. Nelson. We formerly had an Executive Associate Commissioner. That position is no longer in place. So all of the Associate Commissioners report to the Deputy Commissioner.

Mr. EARLY. This is from the justifications. Is this wrong? Tell me

if it is wrong.

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This has Dr. McRae reporting to the Deputy Commissioner, then there are four others down here, and then the Executive Associate——

Mr. Nelson. But we do not have the Executive Associate Com-

missioner position now.

All of the units, the Regional Commissioners, the line and the program, the Associate Commissioners, including Dr. McRae, report in to the Deputy Commissioner and me.

Earlier, we did have a number reporting to the Executive Associate Commissioner, but that is somewhat comparable to a number

of the departments.

The Justice Department has a Deputy Attorney General and the Associate Attorney General, and some functions reported to the Associate Attorney General and to the Deputy Attorney General.

This was parallel to that.

So irrespective of whether it was that format or the current format, Dr. McRae is part of the Executive Staff. We meet once a week or more, on a regular basis with eight or ten of the top people.

She is fully involved not only in automation, but in all aspects of

the INS programs.

Mr. EARLY. Are you comfortable that this budget directs enough attention to automation, Mr. Nelson?

Mr. Nelson. Yes, Mr. Early.

Again, as I answered to Mr. Rogers, any Administrator from any department I am sure can come up and say, "Yes, we can use more." We certainly could in automation, Border Patrol or others.

But we think we have a reasonable budget under all the circumstances. We support that budget. I think the big factor is, as Mr. Perrelli and I indicated, with these user fees, which have been a tremendous accomplishment by the Congress and the Administration in getting earmarked user fee monies that can go into our pro-

Much of that money has gone and will go into automation. Those user fees should accumulate and grow and will be used in automa-

tion.

So we do have a flexibility in automation that we have never had

before due to user fees.

Mr. Perrelli. Congressman Early, this user fee has been sponsored by this Subcommittee. It started in 1986 with the inspection user fees. It has been expanded to the examination user fees, and our projections for 1990 are \$55 million for legalization fees, \$105 million for inspection user fees, and another \$55 million coming from exams.

CHANGES IN AUTOMATED SYSTEMS

Mr. Early. I do not have a problem with that, Mr. Perrelli. I do not have any problems using user fees. That is fine.

My problem is that you are not automating. You still do too

much manually.

You have such massive responsibilities and problems.

In your response, Mr. Nelson, to the Chairman about that automated telephone—that was almost word for word what it was last

year. That has not improved that much.

Mr. Nelson. Well, I disagree very strongly, and I would make a tender to this Committee that we bring up our expert to take a telephone and punch in some numbers, and you will get an automated response back or voice which is computer generated.

Mr. EARLY. Isn't that what you told us last year?

Mr. Nelson. It is working.

Mr. EARLY. Yes, but you were exactly at that stage last year when you told us.

Mr. Nelson. No, we were not.

Mr. Early. That is exactly what you told us.

Mr. Nelson. We were implementing it. It is now implemented. It is working, and it is rolling.

We have had 25 million records on that system in the last year.

There has been a major increase.

Due to the SAVE program, people in your State that used to get illegal welfare payments because they were in the country illegally, now are not receiving benefits, because the State is on the system. Unemployment benefits are also included in the SAVE program.

A lot of that is automated. I would like the Committee to see how that works. It is very simple, and it has a tremendous ability to expand into other areas. So that will enhance automation.

Mr. EARLY. So you are pleased with the automation? You think

that you are doing a great job on automation?

Mr. NELSON. I think we are doing and have done a great job, particularly considering where we started and where we have come. The answer is, "Yes."

I think there is a lot more to be done. Clearly we need to move down the track, and we are doing it.

Mr. EARLY. Is all of the projected \$225 million in user fees, for

automation?

Mr. Perrelli. It is for personnel salaries and benefits, and primarily, in the examination fees account, the majority of that money this year will be spent for further automation in the adjudication and nationalization—

Mr. Early. For the record, elaborate on that, Mr. Perrelli, as far as that specific \$225 million. Where is it going to be used?

Mr. Nelson. We will do that.

Mr. Early. Thank you, Mr. Chairman.

[The information follows:]

PROGRAMS FUNDED FROM USER FEES

The \$225 million referred to in the hearing is incorrect. The Budget reflects anticipated earnings of \$186.3 million from the Legalization, Inspections and Examinations user fees. Anticipated use of these fees by program is shown below.

1525

lamigration and Materalization Service User Fees Available in FY 1990 (Bollars in thousands)

1	Legali	zation :	Üser	Fee	Exams	fee !		Total
Decision Unit !	WY	9.A.			WY	3.A.		9.A.
Inspections	•••			\$66,100	•••			\$66,100
Border Patrol]	•••		•••	}	•••	
Investigations			14	900 1	•••	!	14	900
Anti-Sauggling		!	22	1,550	•••		22	1,550
Detention & Deportation		!	100	12,484		}	100	12,484
Employer & Labor Relations		}	•••					•••
Adjudications & Watz	476	\$18,170	•••		412	\$23,358	889	41,528
Refugees & Overseas			•••	250	•••		•••	250
Training	•••	!	2	180	•••		2	180
Data & Communications	32	13,575	11	18,112	•••	1,200	43	32,887
Information & Records	111	6,823 :	•••		92	1,942	203	8.765
Intelligence	27	1,433 1	15	1,254	•••	;	42	2,687
Research & Development		!	•••	!	•••	1	•••	
Construction & Engineer		10,912 :	2	100		!	2	11,012
Field Managementi	9	470 :			•••	1	9	470
Legal Proceedings	15	825 I	27	2,237	• •••	:	42	3,062
Executive Direction	16	1,235 !	2	108		:	18	1,343
Administrative Services	35	1,349	28	1,725	•••	!	63	3,074
Totals	721	\$54,792 :	1,524	\$105,000	504	\$26,500	2,749	\$186,292

WESTERN SERVICE CENTER

Mr. Smith. Mr. Kolbe?

Mr. Kolbe. Thank you, Mr. Chairman.

Mr. Nelson, let me begin by at least giving you one kudo and that is, one of your initiatives that you have undertaken during your term. The Congressional unit of the Western Service Center in San Pedro has tremendously improved the responsiveness, as far as I am concerned, of your agency to the inquiries that my

In fact, I would have to say the response has been more efficient for us than any other Federal agency.

Mr. NELSON. Thank you.

LEGALIZATION AMNESTY

Mr. Kolbe. It has certainly made it easier for us to do our job, and hopefully as well, for you to do yours.

Let me begin by asking questions back on the legalization pro-

In your testimony, you said that the number that have applied under the temporary amnesty turns out to be about 1.8 million people.

I think originally the estimate had been about 2 million. That is only ten percent off, but what factors do you think contributed to

this shortfall?

In particular, I am trying to know if you think the cost of fees discouraged applications?

Mr. Nelson. First of all, Mr. Kolbe, we do not think it was a

Our estimate was about 2 million, and when you get 90 percent of that estimate, I say that is pretty good, because it is a very difficult thing to do.

And as to the questions from the Chairman about the number of illegals, we do not know that. So we thought 2 million was a rea-

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sonable estimate.

A lot of people thought it would be a lot less than that. Some of the interest groups thought that INS would never get more than a million to apply. I won a couple of lunches on a couple of bets as to the number of people who would come forward, and a lot felt it would be less. We think that the 1.8 million was about what we

estimated, and we think it was a very good response.

The important thing is that a very high percentage came forward. There was concern that eligible aliens would be afraid that INS would ground and deport them. Of course, it was not true. We were honest and open. When you saw these people—illegal aliens coming into our offices and going through the process, it was heart warming. A large number of them applied, and I think that was a real credit to how our people did the job.

As far as the fee discouraging them, we think it did not discourage anyone. I mean, the fee was \$185.00, and you know, these

people buy cars, refrigerators, televisions, like the rest of us.

To spend \$185.00 to make a transition from illegal status to legal status is probably the best bargain anybody had. We have absolutely no indication that people were deterred by the fee. In fact, to the contrary. We were convinced of that.

There was a lot of complaining by some interest groups. We never heard individual complaints. I do not know of any illegal

alien or applicant who ever made that complaint.

We are convinced that the system worked well, that a high percentage of those eligible were coming forward. We think we did an outstanding job of getting the word out and effectively processed the applications we received.

We feel, again as I said to the Chairman, that in the annals of management, that the legalization program ought to be looked upon as one of the best government managed programs in a long

Mr. Kolbe. Certainly, I had a lot of complaints from groups in my area that the fee was going to be too high. But I am inclined to agree with you that the evidence would seem to bear out that the fee was not a deterrent, that people did apply. The numbers were there.

PHASE II OF AMNESTY PROGRAM

In your testimony, you talk about the numbers who actually are going to move to the next phase—who actually apply, go through the second phase here.

That's very close to the number we have seen in the temporary resident applications, so that the small difference there would consist of people who have moved back to, say Mexico, for personal reasons, such as their family, or they are simply not in the United States any longer or possibly deceased or——

Mr. NELSON. I think that our estimate is correct, although, the flow has been a little slow in terms of phase two up to this time.

That probably is like all of us getting our income taxes in or anything else. Until it gets closer to the deadline, we might have some lagging, but our belief is, as you indicate Mr. Kolbe, a very high percentage will come forward again.

We are doing what we did on the first phase-heavy publicity, working with schools, working with legal alien groups and others,

and I think it is going to work well also.

I think it is American ingenuity, if you will.

There are a lot of complaints by some of the same interest groups who like to complain, but who do not do much in terms of helping people.

We hear complaints such as, "Well, gee, there will not be enough

schools, there will not be enough opportunity."

We provide a lot of systems. People can come directly to us and take a simple test. They can go through all kinds of different school programs.

We have had some excellent programs. I think it has been true

in Arizona, California, and the other major states.

Mr. Kolbe. Do you have a language program? Is that what you are talking about?

Mr. Nelson. I am referring to language and rudiments of the U.S. Government programs.

Mr. Kolbe. There are adequately placed providers or people pro-

viding those services now?

There has been some concern, I know, in my State of the inability of people to get into the language schools, for example. There is

such a demand right now for ESL programs.

Mr. NELSON. I think the marketplace that we have in our country tends to work well. You have got the public providers that are there trying to do a job. You have the private providers who see an opportunity to get in and provide a service, and maybe make some money.

You have got a lot of different approaches. So there might be in some city at one time or another not enough class slots. In the case of Los Angeles, which clearly has been the largest impact area, a lot of the earlier prophets of gloom and doom are not heard from

now. It is working well overall.

I am sure there will be fine tuning necessary as we go along; but we have no reason to believe that Phase II will not work as effectively as Phase I.

PUBLIC INFORMATION CAMPAIGNS

Mr. Kolbe. In your testimony, you make the statement: "We will again be conducting a public information campaign aimed at encouraging aliens who receive temporary resident status to complete the process and become permanent residents."

I am a little confused about that. First of all, when they completed the process as a temporary resident, they were given informa-

tion at that time as to what was required; is that correct?

Mr. Nelson. That is correct.

Mr. Kolbe. Do we not also have documentation showing at least

the most current address for those people?

Mr. Nelson. That is correct. And under our system, as you point out, when they get their temporary resident card, they are given the information and the time table ahead.

Mr. Kolbe. Then why do we have to have massive media cam-

paigns?

Mr. Nelson. Oh, I suppose it is like any other program, you know. People do tend to forget or put things off. So it is important that we do that. I mean, we are criticized on the other hand that

we do not do enough to get the word out.

Mr. Kolbe. Is that not an expensive way to go about giving up the information through the media rather than, since we now know who these people are; we are dealing not with 230 million, but some group out there buried within 230 million population; but an identified 1,730,000 people here that we are trying to get to move to the second phase.

Is it not a lot easier to target those with specific mailings and information right to those people, since we know who they are and

where they are?

Mr. NELSON. We do that. We give them a mailing with their card initially; and they are given a mailing based again on a computer printout here at the time they are eligible to file. So they get that direct mail contact. But in addition you need a shotgun approach to do the best job. People move, do not get the mail or whatever.

So we are trying to go at it in different ways in order to get the word out.

EMPLOYER SANCTIONS PROGRAM

Mr. Kolbe. You mentioned also in your testimony that you had, I think, more than 1 million employer contacts, talking about sanctions. Now 1 million employer contacts, how do you define that "contact"; does that include TV?

Mr. Nelson. No, that is a personal contact.

Mr. Kolbe. Through the mailing?

Mr. Nelson. No, no. That is a one-on-one visit.

Mr. Kolbe. One million?

Mr. Nelson. Over. I think it is 1.5 million. This is something we have done and we are proud of; because the idea behind the law is not to penalize employers. The idea is to get them to hire legal workers.

We have again used a multi-faceted approach. We sent out the 7 million handbooks and the I-9 forms. And that went very well. We got good publicity on that. We got the U.S. Chamber of Commerce and labor unions to help us write it.

Mr. Kolbe. Just mailing the handbook is not-

Mr. Nelson. No. That is not a contact. The 1.5 million are faceto-face contacts by our representatives who will go to the place of business with the idea that it is strictly informational.

"Mr. Employer, I am here from the Immigration Service. Do you understand the new law? If need be, here is a new handbook about it."

It is not an enforcement visit. It is not an investigation visit. It is strictly an information thing. We are very proud of that because that helps, number one, reinforce the employer as to what the law is in case he did not know about it.

Secondly, they do appreciate a government agency coming by and saying, "We are really here to help from the Federal Government; we are not investigating you." And that has sold very well.

So we have 1.5 million of those contacts. That is a one-to-one INS representative going to the place of employment. In addition, of course, we do investigative visits based on probable cause information we have. We also have a random audit system where the computer is working, where we—at random—pull out names of employers all over the country to be visited on an audit basis.

So we have the audit system which we call the General Administrative Plan; the investigative audit when there is some lead; the 1.5 million information visits; all the informational other mailings; and the other publicity.

We think that system is working well and is the foundation to make employer sanctions a worthwhile part of our law.

Mr. KOLBE. You also say that you have given 3,000 warnings, I think?

Mr. NELSON. Right.

Mr. Kolbe. Do you have any way of telling us whether there has been any correlation between whether those warnings come from people who were contacted or were not? In other words, are the warnings a result of people who should have known better but did

The way with the time and was wasterful productions in the product of the first of the first of the first of the

not have information; or who apparently, were aware and deliber-

ately chose not to comply?

Mr. Nelson. I think it is a combination of both of those. The law mandated that for the first year we had to issue a warning before a fine. That ended June of 1988; so we, of course, complied with that.

Since June, what we have done as a general rule—of course, you are always going to have exceptions depending on circumstances is to take a reasoned approach. If we were to visit an employer today and find him hiring illegal aliens, if he had no information visit or no warning, we still might give him or her a warning first. It is just a matter of administrative discretion.

If he or she has either an information visit in the past or a prior warning, normally we would issue a fine at that time. I think the background on those who have been warned varies. I think that among most employers, and I will compare our record with implementation of any new law, there is a high degree of awareness by employers of what the law is and what it means, and a high degree of

We think that our approach is working well and that is why we are going to continue the information visits. We are also going to

continue the warnings as need be.

APPREHENSIONS

Mr. Kolbe. Changing from that to border enforcement, they relate, obviously—the legalization program. You said that the number is down 16 percent in your testimony. Last year, 43 percent below the 1986 level. Do you think we have about reached the

Mr. Nelson. I don't know. I hope not. The idea, of course, is to continue having those numbers go down. Now, in a perfect world, you would not have any illegal entries. We know that will never happen. There will always be illegal entry. What we have to do is

get it down to as good a control as we can.

That level last year was still 940,000 apprehensions. If that many, or nearly that many also made entry that is still way too many. We think, as I mentioned to the Chairman, we have got the right systems in place. I would hope that we continue to see a regular decline in those apprehension numbers and, of course, the corresponding decline in illegal entries.

Mr. Kolbe. Is the decline in the apprehension numbers due to the legalization program, or is it due to the tougher employer sanctions that make it more difficult for them to have jobs? Both, or

can you quantify, tell me what you think?

Mr. Nelson. I think it is both. Certainly the legalization program allowed a number of people to become legal. They can go back and forth now legally. So that clearly was a factor. I think there is no way you can quantify between the impact that the legalization program had versus the impact of employer sanctions. But we certainly think the employer sanctions law is a big piece of

Mr. Kolbe. Well, the reason I ask the question is, common sense would tell us that since the legalization program was a temporary program, and that is passed; and those people who are eligible have applied, presumably. All applied, or most of them applied, we hope,

in that program.

Now, we are going to begin to see a new generation of people; and let us take our neighboring country of Mexico; will begin to turn to the age of 18 and begin to be looking for jobs and not find them in Mexico. And we will be right back in the same situation as before.

So from that group, other than the fact it isn't the sanctions that will cut the numbers, we should begin to see a rise in the figures of people coming back across the border in illegal status. Would you not agree with that?

Mr. Nelson. I think what you are saying, Mr. Kolbe, is that the push factors from Mexico and elsewhere could increase; therefore,

more could be pushed. That is probably true.

Mr. Kolbe. As long as we made it a one-time program, it is bound to——

Mr. Nelson. Well, that is the legalization program.

Mr. Kolbe [continuing]. The push factor. That is what I mean. Mr. Nelson. Yes. I think again it is the push and pull factors. The pull factor is the magnet of jobs. That clearly was the dominant pull factor. We think the employer sanctions and the other programs are the right answer to that. We don't know of any other answer.

So if we effectively enforce employer sanctions, we can really restrict that pull factor; the same applies to the SAVE program, restrict the pull factor of benefits. INS will be tougher on crime and

emphasize better border enforcement.

All those efforts will restrict the pull factors and give us the best chance we have. Now, if the push factors in Mexico or Central America or any parts of the world increase dramatically, obviously, we will be under more pressure. But that is certainly no reason to reduce the pull factors. I think we are doing that. Hopefully, we can do more on a global scale to remove and reduce the push factors.

This will be a very interesting thing to watch. I think that the trend will continue, assuming the push factors stay somewhat constant. I think that with what we have going, we would expect a drop in border crossings. Sanctions are taking hold. That should continue to improve the situation.

ASYLUM PROGRAM IN SOUTH TEXAS

Mr. Kolbe. You mentioned finally in your statement the situation in south Texas. And certainly your prompt adjudication of those making asylum requests to weed out the frivolous requests

certainly seems to be working.

I am wondering whether it is working better than you had anticipated, or whether you see any adverse consequences coming from the evidence, at least as reported in the paper, you know papers don't always report everything correctly, that we have a large number of people going the other direction. In fact, immediately across the border and putting a tremendous problem of the Central American illegal aliens on Mexico, who will be waiting temporarily until things cool down and they can come back into this country.

Does that seem to be an accurate assessment of what is happen-

ing?

Mr. Nelson. Oh, I think, yes, it is a good description. I think one thing, if any, I have learned in my almost eight years around here is that, in addition to don't believe everything you read in the paper, the only reason I am still sitting here—despite some rumors to the contrary—is that I don't ever claim success too fast or, probably, admit defeat too fast.

I think we have seen a very dramatic indication with the implementation of our programs, that it has worked as intended. But I would not want to say, "Boy, we have got it covered;" because obvi-

ously there is a continued flow from Central America.

Now, part of the issue here is getting the word down the pipeline into Mexico and Central America: Don't just come to the United States and feel you can walk across the border and be home free. That, in a sense, was the message that was out there. People have to consider that people from Central America are going to pack up their belongings, pay a couple thousand dollars to a smuggler, and all that, to get to the United States. They are going to do that if they think they are home free.

But if they realize that they might not make it, or problems may occur in Mexico, or they might get to the U.S. and not be allowed to stay, and be sent back, then a lot of those aliens would realize that maybe it is not worth it. And we hope that this is happening.

COOPERATION WITH THE MEXICAN GOVERNMENT

I would like to comment on your point about the problem with Mexico. We have talked to the Mexican Government, and will continue these contacts. This illegal Central American immigration is not just a U.S. problem; it is a Mexican problem. They are impacted, not just by those coming back to Matamoros from Brownsville; but by those coming up through Mexico. A lot stay in Mexico. They stay, either permanently or on a long term basis. They take jobs from Mexican citizens.

So the Mexican government, I think, is beginning to realize they have some concerns. We are hoping to have more cooperation, not because of helping the United States but because of their own problems. They have to deal with the problem of illegal immigration in

Mexico.

Clearly, those going back into Matamoros are a problem. We hope that in the long term, we can start deterring flow. And we think the program is working well. You referred earlier to expedited asylum claims. Everybody gets their full hearings. But the message is: You cannot beat the system. You cannot abuse the system.

DEPORTATION PROCESS

Mr. Kolbe. I agree with you that there is a problem; and it is a big problem. It reminds me of the tragedies, the results of the refugees in World War II, or Jewish groups who wandered the world in search of their home. And there is a tremendous human dimension to this; and I am not sure where we stand. These people we know are not often well treated in Mexico, for very simple economic reasons. They are in much worse shape than we are; and taking jobs

there causes a lot more hardships. So their tends to be more abuse

in the system for those people down there.

I wonder whether we are really focusing on the human dimension of this thing. I agree with you, we cannot simply say that the people, as frivolous as their status or their request might be, that they are going to end up being given sanction in this country. But I worry whether we are focusing sufficiently on the human dimension of this.

When you deport people who are not from Mexico, such as El Salvador—are we just putting them back, not into Mexico, since they are not residents of that country. Are we transporting them

back to El Salvador?

Mr. Nelson. Yes, whether they return voluntarily or they are formally deported by court order, they are sent back to their home countries. Their home countries accept them.

Mr. Kolbe. Is that process going on?

Mr. Nelson. It is going on, although, of course, we are just starting this new process. We have completed some deportations. We do have welfare return.

Mr. Kolbe. On charter flights?

Mr. Nelson. Charter flights, yes. We use those, or commercial flights, as the case might be. We do pay their way back.

Mr. Kolbe. That is an expensive cost.

Mr. Nelson. Yes, it is. But it certainly saves money in the long run. Obviously, if they are here illegally, they impact our budget more than paying the cost of returning them to their home countries.

We are looking at the problem in with Mexico. It is a legal question whether we can do anything to help the Mexicans to have

these people go back to their home countries.

Mr. Kolbe. Well, that was going to be my next question.

Mr. Nelson. Yes.

CONTROL OF IMMIGRATION INTO MEXICO

Mr. Kolbe. If you could get the pipeline closer down to the source of the problem; in other words, the southern end of it in Mexico; and help the Mexicans at that point turn them around and say, "Look, you are facing real problems when you get up to the north end here."

Mr. Nelson. We are looking at that. Of course, you get into some legal and policy questions of what we can do extraterratorially. This is certainly one of the considerations. I might just say, generally that I think our relations and working relations with the Mexicans certainly in recent years have been good.

Mexicans certainly in recent years have been good.

I have been down there four times since IRCA was passed, at the request of our Ambassador, to meet with government officials in Mexico and the press, and everybody else to let them know what

we are doing, and also what we are not doing.

We are talking to them on the Central American issue. I think we are building on a good foundation there. I might just mention, Mr. Kolbe, you spoke earlier about humanitarian considerations. I would like to address on that point briefly. As I was saying to Mr. Early on the computer issue and on the audit issue, I think we

need to look at the big picture here. We are often self-critical and others love to jump on the United States. But look at the perspective. In terms of humanitarian activity, and in terms of generosity,

we all ought to be proud of what this country does.

And that does not mean we don't make mistakes once in a while and cannot do more; but look at what we do in terms of immigration: some 600,000 people a year legally immigrating; another 70,000 80,000 90,000 coming in as refugees each year, many times all the rest of the world's efforts combined; the fact that we fund most of the United Nations High Commission on Refugees; that we fund many other refugee programs; and that we are now in the Congress looking at refining the legal immigration laws and maybe even increasing numbers.

Nobody can ever complain about how we deal with and handle people, and about our generosity. It is a realistic situation. For example, consider Soviet immigration. There is a lot of talk on this subject now. We had 20,000 people from the Soviet Union come in last year as refugees, compared to I think, 3,000 the year before that, and

hundreds before that.

The problems we are having are due to our own success. That We have been able through the efforts of President Reagan, President Bush and others, to get the Soviet Union to open up. It is wonderful. But obviously, now, big numbers are coming up. We have got to deal with that on a worldwide basis. You cannot take everybody. There are limitations.

People sometimes criticize us for not being generous enough. I say that, given, every statistic you have, in the refugee and asylum area and in the immigration area, nobody really has any basis to

say that we are not doing a very fair, generous job.

TIJUANA BORDER DITCH

Mr. Kolbe. I appreciate those comments. Let me turn to something slightly more parochial. There has been just an uproar over the border ditch at Tijuana; and which strikes me as a little interesting, because we have had one for some times at Nogales, along our border there; and it has not been controversial at all. It is much smaller. But as I understand it, the main reason for this is to divert cars and trucks to more rugged territory, where INS and Customs can keep an eye on them, and hopefully prevent the movement of drugs and stolen cars and vehicles across the border.

I am wondering if you can tell us why it got the bad rap it did in one place and has been totally non-controversial in another loca-

Mr. Nelson. Well, I wish I could come up with an easier answer to it, because it does sort of boggle the mind why it is controversial. I believe it is due to a leak of information in San Diego. A few interest groups got fired up. A few politicians in Mexico did likewise. It should never have been a big issue.

I will make a couple of comments. As you point out, it is ironic that in Nogales a ditch had already been in existence, not a very large one, but it was a ditch. It in fact did stop drive-throughs, which is one of the purposes of the ditch in California. Just recently, I think the Arizona National Guard was doing some weekend work or something; and they were asked by the Border Patrol to clean out this border ditch.

They did, and, in the process of cleaning it out, they made it a little bigger and wider. There was a little flourish about that. But the point is, the ditch was there. Nobody ever complained about it. It was widened and made a little deeper. It has effectively stopped

drive-throughs.

I believe the Mexican Counsel General in Nogalos said, well, what is wrong with that? It is reasonable. The San Diego example, is interesting because it has been in the process of discussion for a year or more. You are correct. The International Boundary and Water Commission, with U.S. and Mexican members, was involved in this. The Mexicans were complaining about drainage problems in San Diego and that someone needed to do something about it.

Well, the ditch was obviously a way to do it, so that was being done. At the same time, it must be recognized that the mesa is a table, open land. You had cars just driving across. Any country ought to be able to stop that. It is ridiculous if you cannot. We had this opportunity by using this ditch, which had a bonafide drainage

purpose, to also stop the vehicular crossings.

It was never intended to be a wall. It was never intended to stop people. It was just a regular dirt ditch with 45-degree angle side. We, the United States Government, had talked to high-level Mexican officials numerous times over the last year or two; and as it was being discussed, the International Boundary and Water Commission had regular discussions with their Mexican counterparts. There was no big issue.

We went through the process, then, of deciding what to do. I made the decision. Let us just have the regular dirt ditch and not put walls in the open. That could give the wrong impression. It seemed reasonable enough. We went through the normal approval processes in the Justice Department, got the approval, then started the informal discussions again. Everything was perking along, and in good shape until "boom," you know, somebody leaked the thing.

Of course, somebody thought, "Aha, we have some thing big."

Then it went from there. It is ludicrous. A change of government occurred in both countries. Particularly in Mexico, people that had been in the process and had been conferred with down there prob-

ably passed it on to their successors. It was not that big a deal.

The Mexicans sort of said, "Well, go ahead." It was not something they were going to endorse, per se, but they were not going to complain. But I think you have that. You had a few politicians that

hyped it up and it has gotten to a ridiculous point.

I hope the United States has enough determination to go forward; because it makes sense for drainage. We certainly have the right to stop vehicles crossing our borders illegally. It is a very reasonable approach, in the long run.

MEXICAN PROTEST AGAINST DITCH

Mr. Kolbe. Well, maybe I missed a little bit of the controversy. Has the Mexican government lodged any kind of official protest against this?

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Mr. Nelson. The Mexican Government did submit a note. I saw it. It is a very mild note. So I do not know whether you could call it a protest. They just pointed it out.

Mr. Kolbe. Stayed clear?

Mr. Nelson. Stayed clear is probably as good a description as any. But I read the note. It was very mild. They have just represented some concerns, maybe as much about all the discussion as about anything else. A number of Mexican officials have certainly indicated publicly and privately that the United States has a right to control its borders. They understand that; and that is what we are talking about.

They really understand the issue. I was down at Mexico with the recent Border Governors meeting and got besieged by the press and I talked to them openly. This really should not be a big issue.

Hopefully it can calm down, and we can go forward.

As you point out, the purpose of the ditch—and people say, "Well, gee, that is silly. That is not going to stop illegal entry." Well, of course it is not going to stop illegal entry; but it can and will stop illegal vehicular entry in that place. Because to the east, you have got foothills, so it is not passable by vehicle; and to the west, you have got canyons.

So that one four-mile stretch by the ditch, is an area where you

can, in fact, stop vehicles from crossing.

ARTESIA TRAINING SITE

Mr. Kolbe. Well, it is a little bit like the Aerostat to the extent that you can force the traffic into corridors that you can have greater control over. It helps. The final question, Mr. Chairman, in addition to doing your training down at Glynco Center, you also have a facility in Mirana, Arizona, with the Federal Law Enforcement Training Center there.

Can you tell me a little bit about the move to Artesia, New

Mexico; and you refer to that, second paragraph in your statement here, about the money, the \$1.356 million it is going to require to make that move. It seemed to me that it was a very good facility that you were working with there; though Arizona clearly needed

some work done to it.

Is it your decision to make the move?

Mr. Nelson. It is a combined decision of the Justice Department, and the Federal Law Enforcement Training Center. They clearly do not have space at Glynco, Georgia or even in Mirana, so that the Artesia facility was added. So we have three: Glynco, Mirana,

Arizona, and Artesia, New Mexico.

I think there is a need there for Artesia. And I think one of the areas—I have talked to Senator Domenici, of course, who had a lot to do with it, as well as to other officials—is that we would hope to use both Marana and Artesia for some of the drug coordination training that would include things such as how you go out in the public, how you use the dogs; how you combine State, and Federal, and local efforts.

So there clearly is a need for Artesia, and we think it will be a good facility. But it is not intended to replace Mirana. That will

continue to operate also.

Mr. Kolbe. Well, I know at one time there was some talk about expanding them into this large facility, an air base with a very good runway, complete with facilities and an operator there for your food and running your housing, the whole bit there, as a host. And I was just wondering why the decision was made to move to Artesia instead of expanding the one there at Mirana, which I understand internally, some of your people wanted to do.

Mr. Nelson. Well, there were a lot of issues and people involved, but I think there was a thought that they had a former college campus at Artesia that was fairly readily available to be used. And I know there was discussion about expanding Mirana, also in ex-

panding Glynco so that is going on.

And I think all the weighing of budget and other considerations, that this made sense to have the third facility.

Mr. Kolbe. Thank you. Mr. Chairman, that completes my questions. We just got this audit quite late, as a matter of fact. I have not had a chance to go over it in any detail and, of course, we have not gotten the response from Mr. Nelson. But I think certainly some serious questions are raised by this, and ones that I think this Subcommittee needs to look into.

I hope perhaps there will be an opportunity to have him back and perhaps go into some of these questions in more detail. This is exactly what this Subcommittee ought to be doing, is taking a look

at this kind of thing.

Mr. Nelson. Thank you. Mr. Smith. Mr. Early.

SPENDING ON AUTOMATED SYSTEMS

Mr. EARLY. Mr. Nelson, on the AUDIT report, on pages 13 and 14, they identify about ten systems, the IBS FACS, VIPS, DACS, SRS, PACS, NACS, and LCTS. Would you, for the record supply, no matter what you think of the report, how much you are going to spend on each of those systems out of this budget, and how much will be spent out of your other accounts?

[The information follows:]

AUTOMATION FUNDING REQUIREMENTS FOR SYSTEMS NOTED IN THE DOJ AUDIT

System	1990 funding	Fund source	Comments
IBS	\$200,000	Data & Comm (see BUCS)	Replacement (BUCS).
FACS	400,000	Not identified in FY90 budget	System enhancement system (ADC).
VIPS	250,000	Data & Comm (see ADS)	Replacement system (ADS).
SRS	7.000	Not identified in FY90 budget	
PAC	250,000	Not identified in FY90 budget	
NACS	1,300,000		Workstations, maintenance, and enhance ments.
LCTS	0	N/A	
DACS	155,000	Data & Comm (DACS)	
VARS	50,000	Data & Comm (VARS)	
STAN	100,000	Data & Comm (ACTS)	

Mr. Nelson. We will do that, Mr. Early.

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Mr. Early. Also, Justice has oversight on all the Department's automation; and there is a Justice witness here. But I will supply some questions for the record that I would like them to answer.

Mr. Smith. Alright. Thank you.

Mr. Nelson. Thank you.

[The following questions were submitted to be answered for the record!]

record:]

OUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Immigration and Naturalization Service

Drug Activities

QUESTION: What accomplishments have you achieved in your anti-drug role?

ANSWER: INS's participation in drug enforcement has contributed in significant seizures of drugs and contraband, and prosecutions and deportations of alien drug traffickers. In addition, drug awareness training programs using the border patrol canine units have been presented to 259,688 students and adults.

In 1988, the INS share of drug seizures on the southern border was 70 percent of marijuana, 25 percent of cocaine and heroin, and 80 percent of pharmaceutical and other dangerous drugs. INS effectiveness is recognized by smugglers who have made death threats against INS agents or offered millions of dollars in bribes to try to stop border searches. Smugglers has even put a bounty on INS dogs used in drug enforcement.

The attached chart (attachment I) reflects the increase in INS's effectiveness from 1982 to 1988. Over that period, total INS drug seizures doubled in number, the quantity of drugs seized increased by ten times, and the street value of drugs seized was almost sixty times higher.

QUESTION: Do your personnel perform special anti-drug missions or are they just performing these functions in conjunction with their other duties?

ANSWER: In 1987, the Investigations program of the Immigration and Naturalization Service became a participating member in the Administration's Organized Crime Drug Enforcement (OCDE) program. INS assigned 13 senior special agent core-city coordinators and 88 field special agents to this program. Recognizing the amount of investigative work hours that are required to develop a complex drug investigation under the guidelines of the OCDE Program, the Commissioner has directed that all designated special agents assigned to the INS OCDE Program dedicate 100 percent of their duty time in the development of major narcotic cases involving aliens.

QUESTION: Are your agents scaling back some of their traditional INS duties in order to perform their anti-drug activities?

ANSWER: INS agents other than those committed to the OCDE program are able to perform anti-drug activities in conjunction with their other duties under the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986.

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Apprehensions: Number of arrests

Drug Scizures: Number of scizure events
Deportations: Number of alters deported from US

Exclusions: Number of alters excluded from entry to US

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Border	121	1.115.4	149.8	1.272.4	1.705.3	1.168.9	969.2
Interior	152	136	97.2			21.6	37
DRUG SEIZURES							
Herois, Opiates	12	22	. 26	18	14	98	129
Cocaine	115	157	167	991	167	511	9/9
Marijuana, Hashish	2.227	2,352	1.187	2,056	2,769	4,282	4,449
Other Drugs	394	336	137	198	350	523	574
Street Value \$ Millions	13.8	57.6	55.8	130	264.5	661.7	803.5
VEHICLE SEIZURES	6,164	6,925	8,775	10,348	8,775 10,348 13,965	9,723 9,677	9,677
DEPORTATIONS			-				
Drug Offenses	191	296	105	113	896	2,631	3,988
Other Crimes	228	538	368	728	1,136	1,646	1,640
EXCLUSIONS		÷.		:			ť
Origne & Drue Offenses	183	205	164	274	270	402	431

Employer Sanctions

QUESTION: Is there any way to gauge the success of this program?

ANSWER: There are a number of factors that may help to gauge the success of employer sanctions, including:

- the number of warnings and fines given to employers;
 the compliance level of employers; and
 the decrease in illegal entries into the United States.

December 1, 1988 marked the end of the deferral period for agricultural employers and the commencement of enforcement of the employer sanctions provisions across the full spectrum of employers. Prior to this date, INS had focused primarily on educating employers of their responsibilities under Section 245A of the Immigration Reform and Control Act. This took the form of visiting the employers at their businesses, addressing groups in open forums and mass mailings of the Handbook for Employers to over seven million employers. During the citation period from June 1, 1987 to May 31, 1988:

2,322 employers were warned and 102 were fined for flagrant violations of the sanctions provisions.

Since the end of the citation period from June 1, 1988 to February 28, 1989:

- 1,521 employers have been warned and
- 1,469 employers have been fined.

INS totals through February 28, 1989 have reached:

- 3,843 warnings and 1,571 fines.

Warnings and fines make up 33 percent of all employer sanctions activity. The remaining 67 percent represents the overall compliance level of employers. Of the 16,571 employers investigated under the employer sanctions program, the majority were in full compliance. INS anticipates that by continuing educational efforts, a high level of compliance with the law eventually will be of compliance with the law eventually will be realized.

QUESTION: Are you finding many instances of counterfeit or fraudulent documents?

ANSWER: There is evidence of the use of fraudulent documents to circumvent the verification process. Due to the nature of the verification process, the employer is neither required to photocopy the documents nor contact the INS to verify the validity of the documents. Consequently, it is difficult to gauge the extent of the use of fraudulent documents. In an effort to do so, the

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Investigations program has developed, in conjunction with the General Accounting Office, a method by which such an activity may be measured. INS should be able to report on this in the near future.

QUESTION: What impact do you believe the imposition of employer sanctions has had on possibly frivolous applications for other types of entry. For example, is the need for work authorisations reason for the increase in possibly frivolous asylum applications?

ANSWER: Prior to the passage of the Immigration Reform and Control Act, illegal, unauthorized aliens readily found work. With the creation of employer sanctions, employers are less inclined to hire undocumented workers. The message has gotten back to those planning to come to the United States -- documents are required to prove work authorization. One way of obtaining these documents is by requesting political asylum. Numerous frivolous applications have been submitted to INS to gain access to the United States and to obtain work authorization. Frivolous claims for political asylum dropped in Harlingen, Texas, after INS increased resources for asylum processing and began detaining aliens whose applications were denied.

QUESTION: Are you finding many instances of unfair employment practices and, if so, what are you doing to correct it?

ANSWER: INS has not found many instances of unfair employment practices. The General Accounting Office's (GAO) Second Report to Congress on Immigration Reform pointed out that, even though no pattern of discrimination is evident, some employers did not fully understand the anti-discrimination provisions of IRCA and, therefore, INS should intensify its educational efforts.

INS has pursued a vigorous program to increase employer awareness of the anti-discrimination provisions of IRCA. These efforts continue to be an integral part of our overall educational and informational program, recognizing that compliance is essential to the success of employer sanctions. Anti-discrimination information is included in the "Handbook for Employers," INS Publication M-274. Over 10.7 million copies have been distributed. As part of the employer contact activities, INS agents use speeches, talks and videotape presentations to educate employers about IRCA's anti-discrimination provisions.

INS has sent anti-discrimination materials to small businesses by using mailing lists from the Small Business Administration (SBA) and by providing materials for distribution directly to SBA's regional offices. In addition, INS has prepared and distributed public service announcements dealing with the anti-discrimination provisions of the sanctions statutes. Available in both English and Spanish, the public service announcements were

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distributed to radio and television stations in 36 major national markets to reach the largest possible audience of employers.

QUESTION: What is the status of your system for automating employer sanctions data? Will this system increase the productivity of your personnel? Are there any funds for this purpose requested for FY 1990? What is the sconest this system could be developed and operational and how much would be needed in FY 1990 to begin?

ANSWER: The automation efforts supporting employef sanctions began in April 1987 with the design of a national data base capability. Subsequently, a personal computer based system was designed and programmed to record the number of visits completed during the public education period.

The employer sanctions effort is logically associated with other automated areas of enforcement, most notably application fraud and criminal aliens. The automation efforts thus far reflect only the prototype data base which will require many enhancements to become fully operational. The upgrades are necessary to provide a national profile, eliminate redundancy of efforts and facilitate data sharing in an integrated manner, thereby increasing the productivity of INS personnel.

To fully address the related areas will require: \$485,000 and six months for employer sanctions; \$2,192,000 and one year for criminal aliens; and, \$125,000 and two months for application fraud. This expansion will be primarily funded with base resources available in 1990. However, further resource requirements are still under review.

San Diego Ditch

QUESTION: Has there been an increase in the amount of violence along the border between San Diego and Mexico, and, if so, what do you attribute this increase in violence to?

ANSWER: The overall number of violent incidents is down. However, the number of vehicle "run throughs" in the Otay Mesa area, where the proposed vehicle deterrent ditch is to be located, has been on a steady increase in recent months. This is creating a potential for increased violence and danger to agents, aliens and the traveling public. Alien drivers and/or smugglers cross the border and attempt to reach the highways where they can merge into local traffic. In doing so, and to avoid detection or apprehension, they drive recklessly and at unsafe speeds. They refuse to yield to agents in pursuit, thus endangering not only themselves and the occupants of their vehicles, but also agents and the innocent traveling public.

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Throughout the southern border area apprehensions of criminal aliens including narcotics smugglers are on the increase, thus enhancing the potential for violent confrontations with agents.

In the San Diego area in 1988, there were 52 reports of incidents of violence committed against aliens, including reported assaults, beatings, robberies, rapes and murders. There were 69 incidents of violence committed against agents in 1988. The San Diego Police Department estimates that only ten percent of the crimes committed against aliens are reported.

In January 1984, the Border Crime Prevention Unit was placed into operation by the San Diego Border Patrol and the San Diego Police Department in a joint effort to combat the increasing border violence known up until that time. Absent other significant factors in the area, INS believes that the Border Crime Prevention Unit's effectiveness and publicity has been instrumental in the reduction of border violence.

QUESTION: What is the Service doing to try to minimize the danger to its agents as well as the aliens?

ANSWER: The construction of a physical barrier to deter vehicle "drive throughs" near the Otay Mesa checkpoint will provide an added safety factor for Border Patrol agents as well as the traveling public because of the deterrent value of moving smuggling operations to less publicly traveled areas where the possibility of vehicular traffic and pursuits will be less likely.

In addition, Border Patrol agents have equipment to enhance officer safety such as body armor, night vision equipment, and improved communications equipment. Agents are generally working in two-man units in order to increase officer safety.

QUESTION: Is funding requested for these types of ditches or large scale fences in FY 1990, and, if so, how much?

ANSWER: No funding is requested in FY 1990 for ditches or large-scale fences.

Seasonal Agricultural Worker Program

QUESTION: Do you anticipate any labor shortages this year in agricultural areas due to the Seasonal Agricultural Worker (SAW) program?

ANSWER: Although there have been reports of workers admitted under the SAW program leaving agriculture, INS has no information of agricultural labor shortages. The Departments of Labor and Agriculture are currently studying this year's supply of and demand for seasonal agricultural labor in order to predict a shortage number for the Replenishment Agricultural Worker (RAW) Program

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pursuant to Section 210A of the Immigration and Nationality Act.

QUESTION: Are you experiencing much fraudulent activity in the SAW program and, if so, how much?

ANSWER: There has been substantial fraud in the SAW program. Of the 565,892 applications pending adjudication at the Regional Processing Facilities on February 12, 1989, 74,303 were under investigation for fraud.

In 1988, INS fielded 17 special SAW fraud task forces. As a result, more than 650 fraud investigations were undertaken. These efforts generated 75 convictions of SAW fraud document vendors, arrangers or brokers, stemming from over 285 completed or pending prosecutions. In the first quarter of 1989, twenty SAW fraud task forces were mobilized, resulting so far in 53 convictions of vendors, arrangers or brokers.

To aid in uncovering fraud, INS established a Document Analysis Unit (DAU) at each Regional Processing Facility at the inception of the SAW program. The DAU's identify fraudulent documents and document vendors and develop profiles of fraudulent document packages.

Border Patrol

ANSWER: The Immigration Reform and Control Act (IRCA) mandated a 50 percent increase in the size of the Border Patrol. Have you come close to achieving these goals?

ANSWER: The number of Border Patrol agents on duty at the end of 1986 was 3,238. IRCA mandated a 50 percent increase above that on-board staffing level which would bring the number of agents on duty to about 4,857 when fully funded. The Patrol currently has 4,097 agents on duty with no additional hiring planned for the remainder of 1989. However, the Patrol's on duty force of 3,238 at the end of FY 1986 included nearly 300 agents over the Patrol's funded personnel ceiling prior to IRCA. The 300 agents were kept on board as a result of additional IRCA funding in FY 1987 and are part of the total increase in agent staffing as a result of IRCA. That brings the total increase in agents to date to approximately 1,159 or about 72 percent of the mandated hiring goal of 1,600 additional Border Patrol agents.

QUESTION: What were the number of Border Patrol personnel on-board on September 30, 1987 and what do you project the September 30, 1989 on-board strength to be?

ANSWER: There were 3,180 Border Patrol agents and 463 support personnel on duty on September 30, 1987. The Patrol estimates that there will be approximately 3,882 Border Patrol agents and 550 support personnel on duty on September 30, 1989. The estimate is based on no

significant changes in current attrition rates and no additional hiring for the remainder of the fiscal year.

Automated Fingerprint ID System

QUESTION: Are additional funds required for this test in FY 1990 and, if so, have you requested them?

ANSWER: The current resources for this system are available from the base funding for the machine-readable visa program. Assuming that the test results are positive, additional funds will be required for implementation of the system in 1990. These resources will be generated from user fees and available base funding.

<u>Fees</u>

QUESTION: Do you project that the \$5.00 Immigration User Fee is sufficient to continue the program begun at air and seaports?

ANSWER: The \$5.00 fee is expected to continue to generate receipts sufficient to allow INS to fully meet the requirements for operation of air and sea facilities as outlined in the legislation. The user fee fund has permitted INS to double the size of its Inspections staff dedicated to air and seaport operations. If international travel continues to rise, at the expected rate of seven percent annually, INS will be able to adjust officer staffing as required to fully facilitate the arrival of all passengers. A review of the fee is mandated by the legislation every two years. At this time, increasing costs for expenses such as the detention of inadmissable aliens and the expansion of airport and seaports will be considered.

QUESTION: Are there any plans to expand INS preinspection activities to other overseas locations in order to alleviate passenger delays here in the U.S.?

ANSWER: The Service is currently discussing preinspection with several Western European governments. The prospect for expansion of pre-inspection to Oslo, Norway, now appears particularly favorable. Pre-inspection activities are funded primarily by the Immigration Inspection User Fee.

QUESTION: Why are you projecting such little growth in collections for Immigration Examinations Fees in FY 1990, especially considering that FY 1989 was the first year for these fees and they were only collected for part of a year?

ANSWER: The fees will be collected for the entire 1989 fiscal year. There were no new fees created. In fact, application fees have been collected for many years. The Examinations Fee Account allows INS to use a portion of

these receipts to enhance Adjudications and Naturalization programs, rather than returning all fee receipts to the general receipts of the United States Treasury. Using workload projections based on the number of newly legalized aliens expected to apply for immigration benefits in each year, the expected collections in 1990 are not expected to increase substantially over the 1989 anticipated level.

QUESTION: For the record, provide examinations fee collections by quarter for FY 1988 and FY 1989 to date.

ANSWER: The SAW program officially ended on November 30, 1988. No additional application fees will be collected although there will be costs incurred for this program in the outyears. Some minor collections of fees for extensions, waivers or appeals may take place. The chart below details collections by quarter and fiscal year.

Total Examinations Collections For FY 1988 and FY 1989 (through 2/28/89)

Collections FY 1988	Total Adjud	Total SAW Activity	Total Exam Activity-Otr
1st qtr	\$11,383,119.27	\$18,582,099.15	\$29,965,218.42
2nd qtr	13,289,456.22	19,974,521.97	33,263,978.19
3rd qtr	11,897,808.82	57,904,098.62	69,801,907.44
4th qtr	15,882,061.88	33,234,664.96	49,116,726.84
Cumulative YTD	52,452,446.19	129,695,384.70	182.147.830.89
Collections	Total Adjud		Total Exam
FY 1989	Activity		Activity-Otr
1st qtr	9,575,888.9		89 73,246,139.84
2nd qtr	9,264,256.1		38 19,916,371.51
Cumulative YTD	18,840,145.0	8 74,322,366.	27 93,162,511.35

QUESTION: Are these examinations fees being used to enhance Adjudications and Naturalization programs as directed in the FY 1989 Conference Report, or are you lowering your appropriated funds request?

ANSWER: The fees collected in excess of \$50,000,000 are being used only to enhance Adjudications and Naturalization programs, consistent with the direction contained in the Conference Report for the 1989 appropriation and the provisions of Title II, Section 209, P.L. 100-459 (Department of Justice Appropriations Act, 1989).

QUESTION: Can we expect to see reductions in the adjudications and naturalization backlogs as a result of these additional funds?

ANSWER: Backlogs will be reduced as a result of the additional resources which will be used for additional personnel and expanded automation and data processing.

QUESTION: For the record, provide for each of fiscal years 1988, 1989, and 1990, a chart identifying dollars and workyears for each budget program funded from appropriated funds and from the various fees?

ANSWER: The attached charts provide dollars and workyears for each budget program for fiscal years 1988, 1989, and 1990.

Latin American Refugees

QUESTION: Are you continuing to receive as many asylum applications since you resumed detention of applicants awaiting a decision?

ANSWER: The number of asylum applications has diminished since INS instituted one-day processing and the detention of denied applicants. During the period when the temporary restraining order of Federal District Judge Vela precluded interviewing and local adjudication, an average of 454 persons per day filed asylum applications with the knowledge that they would receive unimpeded travel to the interior of the United States. After the temporary restraining order was lifted, the number of asylum applications dropped significantly. On the first day INS began detaining denied applicants, the number of applications submitted was 51. Ten applications were submitted the day after. The number has remained low ever since.

QUESTION: How much is the INS program to contain and speed up the application process in Texas going to cost in FX 1989 and how will you fund it?

ANSWER: We are reviewing potential resource requirements required to fund the South Texas Project. Currently, resources are being used to fund a Reimbursable Agreement with Community Relations Service, which will provide for food, shelter and medical services; and the details and related costs of Border Patrol Agents, Detention and Deportation Officers, Immigration Examiners and other Service personnel essential to the project. INS estimates that the total cost of this project for the remainder of this fiscal year will reach over \$30 million, if asylum applicants continue to be detained at the current rate.

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Detention And Deportation

QUESTION: You requested 130 positions and \$9,275,000 to staff and operate two new IMS detention facilities scheduled to open in September 1989. Are these activations still on schedule?

ANSWER: The anticipated opening of Terminal Island has

Innigration and Maturalization Service Resources Available in FY 1998 (Bollars in thousands)

Attacksent II

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	l Main Appr I WY	opriation : B.A.	Logal UY	ization B.A.	i Vser i VY	Fee B.A.	Exaes Hy	Fee !	Grand WY	Total B.A.
		********							•••••	
laspections	1,127	661,638		•••	1,047	962,600]	2,196	\$124,238
Border Patrol	3,799	205,276	i	•••	i			!	3,799	205,276
Investigations	1,256	79,551		•••		•••		إ	1,240	79,551
Anti-Sauggling	262	18,337			12	1,325		į	274	19,662
Detention & Deportation	1,205	120,770	2	1226	17	7,548]	1,224	130,564
Employer & Labor Relations	51	3,425			!			!	51	3,425
Adjudications & Matz	1,203	64,500	1,331	41,717	!	***		!	2,614	106,297
Refugees & Overseas	76	10,282		•••	!	193		!	74	10,475
Training	8 2	14,768	ı	16	ļ	•••		!	83	14,784
Bata & Communications	172	52,961	17	25,763	4	15,525		!	193	94,249
Information & Records	1,191	45,973	221	11,340		•••			46,194	57,333
Intelligence	48	3,105	25	767		•••			73	4,074
Research & Mevelopment	2	275		24					2	299
Construction & Engineer	19	34,993	٠	17,840	1	35			26	54,868
Field Management	313	17,209	٨	230					319	17,439
Legal Proceedings	371	21,303	31	2,680		1,925	•••	[408	25,908
Executive Direction	194	13,540	19	2,894		28	•••	!	213	16,462
Mainistrative Services	491	29,573	44	9,528	5	508 1		!	542	39,409
	*******	*********			! 		 			
Tetals	11,942	1007,759	1,711	\$113,247	! ! 1,120	691,707 1		1 10 t	14,773	1,012,713

Note. The lemigration Exams Fee account did not begin until FY 1989.

 $\sum_{i=1}^{n} \frac{1}{n^2} \left(\frac{1}{n^2} + \frac{$

Tanigration and Maturalization Service Resources Available in FY 1989 (Bollurs in thousands)

Attachment II

(Bollars in thousands)										
	Hain Appr I Wy	opriation ! B.A.	Logali: UY	ration 3.A.		Fee :		Fee i		Total B.A.
laspections	1,510	972,641	•••	•••	1,301	645,100	•••	!	2,811	\$137,74
Border Patrol	4,595	232,050	•••	•••			•••]	4,595	232,05
Investigations	1,401	86,011	•••		14	100	•••		1,495	84,94
Neti-Sauggling	347	19,315	•••	***	22	1,550	•••		349	20,64
Detention & Deportation	1,564	137,452	•••	•••	100	12,484			1,664	147,93
Employer & Labor Relations	52	3,616		•••			•••]	52	3,81
Adjudications & Hatz	1,268	53,631	744	124,444			304	921,000	2,316	101,27
Refugees & Overseas	182	10,511	•••			250		!	,1 02	10,76
Training		9,210	•••		2	180			10	4,34
Pata & Communications	217	56,878	12	18,146	11	10,112	•••	!	262	93,13
Information & Records	1,340	47,330	132	7,497		}	•••	إ	1,492	54,82
Intellig on co	53	2,432	- 27	1,291	15	1,254	•••	!	95	5,17
Research & Bevelopment	4	535	•••]	4	53
Construction & Engineer	18	6,947	•••	11,934	2	100	•••		20	18,00
ifield Hanagesent	287	17,243	•	456		•••	•••	9	298	17,49
egal Proceedings	516	25,490	30	1,650	27	2,237	•••		573	29,33
zecutive Birection	154	1,655	16	3,274	2	108	•••	!	172	13,03
	445	30,548	z	1,349	29	1,725			508	33,44
Totale	14,145	1022,023	1,025	672,643	1,524	\$104,000	304	\$21,000 t	14,990	1,017,06

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Indigration and Materalization Service Resources Available in FY 1990 (Bellars in thousands)

Attachment II

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	Hain App I WY	repriation 3.A.		zation 3.A.	i Vse i VY	Fee B.A.	Enage t UY		l Grand i W	Total B.A.
Inspections	1,515	878,402			1 1,301	966,100	! !		2,816	9144,582
Border Patrol	4,115	244,350		•••	ļ		i	***	4,115	244,358
Investigations	1,504	91,573		•••	14	100		•••	1,510	92,473
Anti-Sauggling	329	19,095		•••	22	1,550	ļ	•••	351	21,445
Setention & Separtation	1,584	150,776		•••	1 100	12,484		•••	1,686	163,260
Employer & Labor Relations	59	3,050		•••		•••	!	•••	50	3,050
Adjudications & Natz	1,146	54,597	476	618,170	ļ	•••	1 1 412	623,358	2,034	79,115
Refugees & Overseas	175	11,775		•••	!	250	! !	•••	i 1 175	12,045
Training	97	10,913			1 2	190	: !		! ! ? ?	11,093
Data & Communications	190	52,117	32	13,575	: ! !!	18,112	: !	1,200	i 241	85,004
Information & Records	1,219	47,113	111	4,823	! !		1 12	1,942	t 1 1,422	57,878
Intelligence	51	2,735	27	1,433	1 1 15	1,254	t I	•••	i 93	5,422
Research & Development	4	537			! !	•••	! !		4	537
Construction & Engineer	16	6,790	•••	10,912	1 2	100	! !		18	17,992
field Hanagementl	279	17,747	•	470	! !	***	! !		i 1 207	18,217
tegal Proceedings	44	28,445 (15	625	i 27	2,237	! !		508	31,747
Executive Directiont	81	6,1%	16	1,235	. 2	108	i		1 11	7,539
deinistrative Services!	462	32,112	35	1,347	29	1,725		•••	445	35,184
Totals	13,234	1016,457	721	654,792	1,524	9105,000	504	826,500 I	15,983 (1,052,751

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been delayed until early 1990. Oakdale II should be activated in October 1989.

QUESTION: What would be the impact if activation funds were delayed several months until October 1990 which is in $_{\phi}$ FY 1991?

ANSWER: If anticipated positions and funding are delayed for Terminal Island, a viable solution would be to solicit a contract for guard services, medical needs, food services, and maintenance of the facility. However, regular administrative staff would have to be reassigned and detailed from within the Los Angeles District to perform the daily routine detention and deportation functions.

If this option were to be adopted, it would negatively impact the Los Angeles District office where resources are already taxed by heavy workloads. Reassignment would include but not be limited to deportation officers, detention officers, docket clerks, and travel clerks.

In Oakdale II, security will be provided by the Bureau of Prisons. The administrative operations would be hampered by insufficient personnel to operate effectively the detention and deportation functions. Oakdale II can not rely on reserve staff in the New Orleans District office which is located 180 miles from Oakdale.

There could be an adverse impact on other detention operations Service-wide. Key personnel would have to be detailed to cover essential positions in both facilities.

QUESTION: What will be the impact on this program of the requested program reductions of 16 workyears and \$3.8 million? Why are you requesting this reduction?

ANSWER: The reduction will require greater emphasis on management and productivity improvements within the program as part of a larger effort to reduce costs. The reduction is being requested in view of the deficit reduction concerns facing the Federal Government. INS will emphasize using existing resources as effectively as possible to achieve agency goals and objectives.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Immigration and Naturalization Service

Automated Information Systems

QUESTION: Mr. Commissioner, would you explain your direct role in identifying Automated Data Processing (ADP) needs, developing and evaluating potential systems, and implementing the final proposals?

ANSWER: ADP needs are usually identified in one of three ways. The first is through the strategic and tactical planning process. The second is when the mandates of new legislation or when an external source directs the Service to explore a particular automation initiative. The third is when a good idea is proposed (and this can come from anyone, anywhere in the Service) and then considered by the Service on an ad-hoc basis.

The strategic and tactical planning process is the normal process for identifying ADP requirements, developing strategies and plans, and tracking the status of implementation. These plans are developed from input from throughout the Service. Project plans are prepared jointly by the technical staff and the user/program manager. The plans are then presented to the Management Team that is composed of the senior managers from each division or office in our headquarters and the regional offices for review and approval. In addition, depending on their scope, ad hoc proposals are presented to the technical system manager, to the system User Group, or to the Management Team through our decision memorandum process. I participate in the review and comment on and approve or deny general or specific plans and initiatives. I meet with the Executive Staff on a regular basis and review any outstanding issues with them.

QUESTION: Mr. Commissioner, in your personal and professional opinion, what needs to be done to get INS back on track in upgrading and modernising its ADP systems? If you would like to expand on this for the record, I would encourage you to do so.

ANSWER: The INS has identified a wide range of ADP projects that we feel are important over the next several years. There are several that we consider most critical.

The Automated Information System for the Criminal Alien Program (AISCAP) is needed to provide INS field enforcement officers the capability to maintain information about criminal aliens and to exchange data with other criminal justice agencies. This program is an extension of the Alien Criminal Apprehension Program pilot project which was directed by the Anti-Drug Abuse Act. AISCAP will provide INS with a significantly improved capability to meet the national objective of dealing with aliens involved in criminal activities.

INS's Financial Management Systems will receive special attention this year and for the next several years. Several of these systems have been in place for a number of years and are nearing the end of their effective life cycle. Existing financial systems need to be reviewed to determine where they are not providing appropriate support to financial management activities. We have plans in place for enhancing and integrating these systems.

Port of Entry (POE) Inspections processing continues to be a major concern. We are continuing to work with the United States Customs Service and the Department of State to determine the best approach to providing automation support to the inspections process. The solutions that will eventually be implemented must ensure appropriate controls at the POE, while at the same time facilitate the processing of the individuals seeking admission.

Operation and expansion of currently operational systems will allow the INS to provide reliable, cost effective operations. Many of the operational systems have not been made available to all of the field offices that could benefit from them, due to funding limitations, or lack of appropriate terminals and workstations or telecommuncations lines necessary to access the systems. Expansion of these systems to additional sites will allow the Service to improve operations and increase productivity.

QUESTION: In the long run and assuming a fixe? amount of dollars, what do you believe provides the best means of improving the productivity and timeliness of INS workload -- more people or more automation?

ANSWER: Automation is unsuccessful without people. But, in this age of information, and given the amounts of workload, automation is essential. INS recognizes this and considers the expansion of automation and data processing applications to be an integral element in the agency's priorities.

Automated Systems

QUESTION: I understand that we have as backup witnesses today the Justice Department officials who have oversight control over automation efforts in the Department and I would like to address several questions to them. First, what role does the Department play in developing and acquiring ADP systems for the various Bureaus such as INS?

ANSWER: The attached paper, entitled "Planning for Automated Information Systems in the Department of Justice" describes the Department's automated information systems (AIS) management program.

In its policy development and oversight roles, the Department has issued a number of directives and guidelines which implement systems development requirements presented in the Federal Information Resources Management Regulation (the FIRMR, 41 CFR, Chapter 201), the Federal Information Processing Standards Publication (FIPS PUB) No. 64, and Office of Management and Budget (OMB) guidelines. Each major component is required to prepare a formal Automated Information Systems (AIS) tactical plan on an annual basis. The project milestones identified in that plan (which must be associated with defined programmatic requirements) include formal systems development activities, when appropriate.

These plans are reviewed by the Department for consistency with law, regulation, and policy, and for technical sufficiency. The Department may then hold meetings with cognizant personnel from the component, and provides formal comments to the component's senior management.

formal comments to the component's senior management.

The Department directly develops or acquires ADP systems for its components when those systems are for departmentwide or multi-component use. Examples include Project Eagle, the Justice Data Centers, the Justice Network, the Asset Forfeiture Tracking System, the DOJ Financial Management System, and others. However, when a system is designed for the exclusive use of a single bureau, the actual acquisition is the responsibility of that bureau's contracting officer. (The Justice Management Division provides contracting officer services to the Offices, Boards, and Divisions.) Prior to such procurements, however, the Department has reviewed all AIS acquisition proposals in excess of \$25,000, and components must have a signed approval form (DOJ Form 496) before contracting for AIS hardware, software, or services. Department approval, as indicated by a signed DOJ Form 496, does not relieve a bureau of its related management responsibilities. As specified on the form itself, "Actual procurement is subject to the availability of funds". Final determinations as to the type(s) of contract and the vendor selected are the responsibility of the contracting officer. Security requirements, if applicable, must be included in procurement specifications."

In addition, the Department's Procurement Executive reviews subsequent contracts prior to signature of the contracting officer if the contract exceeds \$50,000 for a sole source award or \$100,000 for a competitive award. Finally, the Department's Audit Staff (soon to be a part of the Office of the Inspector General) conducts audits on selected systems.

In summary, the Department has in place a structured AIS management program which includes detailed policy and oversight functions at the departmental level. Activities associated with systems development and subsequent acquisitions are a shared responsibility of the Department and the components whose information processing requirements provide the justification for creation of a new system, or continued operation of or enhancement to an existing system.

QUESTION: Do you believe there is any merit to the audit report's findings concerning the lack of planning and implementing by IMS of its automated information

ANSWER: From an historical perspective, there is merit to the Audit Staff's comment regarding INS' lack of planning. As the Subcommittee is aware, during the 1983-1985 timeframe, there were a number of AIS procurement problems that were documented in audit reports. As a

result, INS did not formally submit formal AIS plans as required by the Department. Although INS did not have a formal planning framework in place during that time, justification and documentation was provided to support individual acquisitions per Order DOJ 2830.1D. Beginning in 1988, formal AIS Strategic and Tactical Plans were submitted by the INS and were granted conditional approval by the Justice Management Division. The Department offered several observations and recommendations for future plan updates. Since planning is an iterative process, it is too early to judge the results of improved planning on INS's implementation efforts. As a part of the Department's oversight responsibilities, we monitor the progress of implementation by reviewing budget requests to ensure consistency with the plans and all AIS acquisition efforts over \$25,000. In addition, we look to formal evaluations, for example, post-implementation of the individual projects identified in these plans in the future.

QUESTION: What has the Department done to date to assist IMS in getting back on track?

ANSWER: The Justice Management Division reviewed and critiqued the formal INS AIS plans last year and identified weaknesses and areas of concern. Similarly, AIS acquisition requests were comprehensively reviewed. For example, over the last year, INS submitted approximately 20 AIS requests for various activities. Of the 20, four were consolidated requests which represented a combination of activities and required significant investments over the life cycle of the request, for example, contracts for studies; acquisition of hardware; software support services. Based on concerns regarding the level of detail of justification, residency of the applications and decisions regarding technical direction, the Assistant Attorney General granted only conditional approval for each of the four consolidated requests. INS was required to satisfy the following recommendations prior to receiving full authority to pursue the activities:

- 1) Requirements analyses and formal
 - evaluations;
- 2) Examination of alternatives;3) Benefit/cost analyses; and
- Coordination of several projects with other departmental components to prevent duplication of effort.

AIS requests that did not comply with the requirements, or where an adequate level of justification was never provided, have not received approval.

In addition, the Department has instituted regular senior management meetings with INS to discuss AIS issues and has provided INS representatives substantive AIS plans from

other departmental components which serve as examples of comprehensive planning efforts. Guidance has been provided to INS on improving justification for specific projects, for example, benefit/cost analysis. Finally, the Department recommended and approved contractor support to assist INS in defining formal, long-range requirements for automated information systems.

QUESTION: I have several GAO reports critical of IMS' automation efforts going back to 1986, in which GAO makes specific recommendations to the <u>Attorney General</u> to: "reassess, justify, and document IMS' current and projected ADP requirements and translate those requirements into a long-range documented strategy". What actions has the Department taken to comply with the GAO recommendations?

ANSWER: In 1985, at the direction of the Department's senior Information Resource Management official, INS undertook an objective review to identify and evaluate alternative system architectures. The FEDSIM services were acquired to document the automated information system (AIS) requirements, prepare technical alternatives and recommend a course of action. The recommendations of this study were never fully implemented, and in someways, were overtaken by events with the passage of the IRCA legislation in 1986 which placed immediate operational requirements on the organization. These requirements changed the operational environment significantly. The development of the INS Strategic and Tactical Plans of 1988 was an effort to identify the new technological base and define a revised course of action. The INS is in the process of updating these plans based on a number of factors, for example, the guidance provided by the Department based on AIS planning, budgeting and acquisition reviews; the recent OMB study of Border systems; and internal INS management/program decisions.

The Department requires INS to document current AIS requirements in response to the FY 1989 call for update of AIS plans, due this spring. The update will address new projects and revisions to existing projects/ activities included in the tactical plan. Any major change in long-range AIS strategies will be identified in the strategic plan. As an additional note, major AIS initiatives are not approved by the Department without formal feasibility studies and benefit/cost analysis submittel as justification for those projects.

QUESTION: What actions does the Department plan to take to correct these problems with INS automated information avatems?

ANSWER: The Department will continue to require INS to support AIS resource requests through the current AIS planning framework. This framework establishes a formal management and control process for cost-effective planning, design and implementation of its automated

information systems. Requests for resources to support major AIS initiatives are reviewed during the Department's internal review process, for example, the Spring Planning Call for Estimates. Resource review for AIS focuses on major initiatives based on long-term resource planning in support of the President's and Attorney General's policy guidance. Recommendations for AIS funding levels are made to the Department's senior management based on an organization's ability to manage their resources.

As a part of the Department's oversight responsibilities, constructive criticism will continue to be provided to INS in an effort to eliminate deficiencies noted in INS' AIS plans and to improve the level of detail and supporting justification in the next iteration of AIS planning. As noted previously, regular senior management meetings were instituted to improve communication with the organization and provide a forum for identifying concerns and resolving conflicting positions.

QUESTION: For each of the automated systems identified on pages 13 and 14 of the INS Audit, provide a description of the system, improvements needed and your plans to obtain these improvements, including funding required by fiscal year.

ANSWER: The Department of Justice (DOJ) audit team utilized the INS 1988 Tactical Plan to generate the comments identified on pages 13 and 14 of the report. The fact that the information provided was included in our planning documentation indicates that we are aware of the problems resident in our systems and are making efforts to resolve those problems within our existing resource levels. With the exception of those systems listed below, the systems mentioned in the audit are high priority items. The following systems are not current priority items since they were resolved in FY 1988 or FY 1989:

- . Standard Transaction Acquisition Network (STAN) This system is funded in FY 1989 for redesign as part of the Acquisition Control and Tracking System.
- . Vehicle Accounting and Reporting System (VARS) This system is funded in FY 1989 to purchase hardware necessary for implementation at regional and local sites.
- . Statistical Reporting System (SRS) Strengthening of the system includes hardware and software acquisition in FY 1989. In addition, INS is expanding the microcomputer databases capability and improving the microcomputer access to the mainframe.
- Naturalization Casework System (NACS) This system is funded in FY 1989 to purchase hardware and provide training and installation funds.

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. Legal Case Tracking System (LCTS) - This system was discontinued in June, 1988 with the concurrence of the INS Office of General Counsel.

Interim Budget System (IBS)

<u>Pascription</u>: IBS is an automated mechanism for recording and maintaining budget execution data. It is used by the Central Office Budget Staff to record and track fiscal allocations provided to the regions. Allocation data entered into the IBS creates an interface file that is used by the Financial Accounting Control System (FACS) to record data into its Allocation File. The IBS tracks funding requests by region, decision unit, and project code. The system generates a variety of budget execution reports.

Improvements Needed: As indicated by its title, IBS is an interim system that INS has had to use since 1980. The system has antiquated software and is not user friendly. Information is not timely, is difficult to maintain, and has no on-line capability.

Improvements Planned: The IBS is planned for upgrading into the Budget Control System (BUCS). IBS should be redesigned to effectively and efficiently link the budget formulation and execution processes. The system should feature simplicity of data entry, provide access to the regions, and support a full range of information requirements through structured reports and on-line inquiries. The interface with the Financial Accounting and Control System should be enhanced.

FY 1990 Budgetary Requirements:

Redesign and Development Source of funding \$200,000 Base resources

Financial Accounting and Control System (FACS)

Description: FACS supports the financial operations of the Central Office, regional offices and some district and sector offices. FACS contains a detailed record for each allocation, commitment, obligation, travel advance and receivable document entered into the system. The system maintains the General Ledger chart of accounts by individual records to give the Service a mechanism for monitoring its control accounts. Financial data are available through monthly, quarterly and annual accounting reports. Ad hoc information can be retrieved from on-line data bases.

Improvements Needed: The system is labor-intensive, antiquated and is no longer able to respond to financial managers' changing information requirements.

Improvements Planned: FACS and its related financial applications should be modified to become fully integrated

to eliminate duplicate data entry. Data entered in any of these related applications should automatically be recorded in FACS. Where data entry to FACS is required, software should be developed that will simplify the process and make the system more responsive to the users. FACS should move from a batch processing mode to on-line updates, providing the user instant turnaround on the status of transactions. The system should be overhauled to maximize processing speed. Report retrieval should be enhanced to make information more readily available to the

FY 1990 Budgetary Requirements:

Design and Development Source of funding \$400,000 Base resources

Vendor Invoice Payment System (VIPS)

Description: VIPS is used as an automated mechanism for recording vendor invoice data, scheduling payments, and providing information on the status of invoices. It was intended to be an automated tracking system for controlling invoices and a suspense system for alerting the voucher personnel that an invoice must be paid within a specified number of days. It maintains a record on each invoice. This record contains a complete description of the invoice and is accessible to the voucher examining staff for status inquiries. It produces standard reports that provide information on payment schedules, payments overdue, and the status of invoices.

Improvements Needed: The system is inefficient and difficult to use. Some regions have abandoned it and are using manual procedures. VIPS does not interface with the Financial Accounting Control System (FACS), necessitating keying of the same data into both VIPS and FACS.

Improvements Planned: At the current time, the Service is planning the complete redesign and implementation of VIPS. The new system, the Automated Disbursing System (ADS), will meet all of the requirements which were identified for VIPS, as well as related INS and other Government agency requirements. In addition, ADS will be designed to interface with FACS to eliminate duplication of data entry, as well as programmed to promote efficiency and ease in operation.

FY 1990 Budgetary Requirements:

Design and Development Source of funding

3

\$250,000 Base resources

Deportable Alien Control System (DACS)

The observation that DACS data is only fifty percent reliable arose from a misunderstanding by the Department of Justice auditor of a statement made by a member of the

Detention and Deportation staff. When asked to estimate the reliability of DACS data, the staff member said that only 45 to 50 percent of Service cases were included in the automated system, therefore, DACS could only identify about fifty percent of the cases. While not all Service cases are in the system, no problem exists with the DACS data integrity.

Description: DACS is a case management system that automates many of the clerical docket control functions associated with the arrest, detention and deportation of illegal aliens. The system services the operational and managerial needs of Detention and Deportation personnel in the district and regional offices, processing centers and at the Central Office. DACS provides management information on the status and/or disposition of individual cases as well as statistical and summary data representing the number of cases by type, status and other characteristics.

<u>Improvements Needed:</u> The DACS database needs to be implemented Service-wide.

Improvements Planned: The Service-wide implementation of DACS will provide identification of and access to all INS cases.

FY 1990 Budgetary Requirements:

Hardware Acquisition and site preparation Source of funding

\$155,000 Base resources

Standard Transaction Acquisition Network (STAN)

<u>Description</u>: STAN was developed and implemented in July, 1983 to support the contract and procurement functions within the INS Central Office. STAN provided an automated link between the General Services Branch, where requisitions are initially reviewed and processed, and the Contracting and Procurement Branch, where requisitions for goods or services that cannot be satisfied in-house are processed.

<u>Improvements Needed</u>: The existing system does not adequately support its users. As a result, STAN has essentially been abandoned pending major revision.

Improvements Planned: In FY 1989, STAN is undergoing major revisions and redevelopment as part of the Acquisition Control and Tracking System (ACTS). ACTS will, when fully implemented, consolidate STAN and the Automated Property Management System (APMS), acting as an automated interface between the procurement and property management functions. The system will provide the additional support capabilities lacking in STAN, as well as provide an automated interface with the Financial

Accounting Control System (FACS) to ensure accurate and timely recording of procurement actions.

FY 1990 Budgetary Requirements:

System Enhancements Source of funding \$100,000 Base resources

Vehicle Accounting and Reporting System (VARS)

In FY 1988, VARS was redesigned to feature a centralized data base as well as localized data bases on personal computer systems located at the Central Office, four regional offices and district and sector offices. It expanded the level of data entry, processing and reporting to the local sites as well as incorporated the additional data requirements specified by Congress in P.L. 99-272, and corrected many of the system problems mentioned in the FY 1988 Tactical Plan. Puture enhancements are planned over the next few years.

Description: VARS supports the Fleet Management Program at INS by providing information needed for the planning, managing and reporting of INS' fleet of more than 6,000 vehicles. An automated record is maintained for each INS vehicle, commencing with the acquisition process and continuing throughout the life cycle to the disposal of the vehicle. This information is available in the form of management information reports as well as through on-line query capability.

<u>Improvements Needed</u>: VARS has not satisfied requirements and has demonstrated an inability to provide automated support at the local offices where vehicles are actually located.

Improvements Planned: As previously stated, VARS underwent a major redesign in FY 1988. In FY 1989, INS is planning to purchase the hardware necessary to implement VARS nationwide in all four regions and district and sector offices. System enhancement in FY 1990 would include improvements in the user training environment and a Local Area Network version of VARS.

FY 1990 Budgetary Requirements:

System Enhancements Source of funding

\$50,000 Base resources

Statistical Reporting System (SRS)

The Statistical Reporting System (SRS) has been operational since 1972. There has been a need to expand the hardware and software resources necessary to meet growing processing needs. By the end of FY 1988, much of the needed hardware and software had been acquired. Several additional acquisitions are currently planned for FY 1989.

<u>Descriptioni</u> SRS serves as INS's primary generator of statistical data describing Immigration and Naturalization activities. It was developed to offer flexibility in expediting table processing to support special internal and external reporting requirements. SRS is used produce the Annual Report, the Report of Passenger Travel and the Statistical Yearbook.

Improvements Needed: SRS requires enhancements to decrease the time required to respond to special requests with quicker throughput and more flexibility in formatting the final output.

Improvements Planned: By the end of FY 1989, the necessary hardware and software will have been acquired. Subsets of the most heavily requested data on the mainframe will be:migrated to microcomputer databases.

FY 1990 Budgetary Requirements:

System Enhancements Source of Funding \$7,000 Base Resources

Position Accounting and Control System (PACS)

Description: PACS provides automated support for the workforce management functions of the Service. System data is derived from the Justice Uniform Personnel System (JUNIPER), the Department of Justice Payroll System, and from position data entered by Service personnel. The system provides position, personnel, and payroll information in a variety of categories (by program, organization, project, etc.) to personnel in the Central Office and the four regional offices. PACS produces periodic reports to all management levels throughout the Service, and is available for on-line retrieval of information.

Improvements Needed: Since its initial implementation, PACS has undergone two major redesign efforts, primarily due to user complaints. Problems still exist.

Improvements Planned: In the FY 1988 Tactical Plan, problems identified with PACS were that the system is unable to respond in a timely fashion to the needs of workforce management and that it frequently reflects inaccurate information. In FY 1988, INS acquired a fourth generation retrieval language to ease on-line query problems and make the system more responsive to user and management reporting needs. Implementation of the new language is being accomplished in FY 1989. Although two major upgrades have been accomplished, the same methods of data entry and processing have been retained due to the lack of proper hardware at the regional and central office levels to upgrade those functions. The PACS data entry software should be redesigned to simplify the process, reduce errors and make the system more responsive to the users. PACS should move from a batch processing mode to

on-line updates, providing the user instant turnaround on the accuracy and status of transactions. The system should be overhauled to maximize processing speed and improve reporting capabilities.

FY 1990 Budgetary Requirements:

Design and Development Source of funding

 $\frac{\partial \mathcal{F}}{\partial x} = \frac{\partial x}{\partial x} + \frac{\partial x}{\partial x}$

\$250,000 Base resources

Naturalization Casework System (NACS)

Description: NACS tracks the status of naturalization and citizenship cases, and contains identification and background information on the cases. The system automatically produces naturalization reports, forms and certificates as well as management reports and statistics. Mailers are provided to attorneys and applicants for notification of hearings and appointments. NACS also provides for electronic transfer of statistical information to other systems for report generation.

Improvements Needed: The system is not available at all
of the sites originally designated.

Improvements Planned: Currently, approximately 82 percent of the casework for naturalization is automated through NACS. Full implementation is scheduled for the remaining ten sites in FY 1989.

FY 1990 Budgetary Requirements:

Hardware and Site Preparation Systems Analysis Source of Funding

\$1,100,000 \$200,000 Examinations Fees

Legal Case Tracking System (LCTS)

<u>Description</u>: LCTS provided automated information management services to support the caseload analysis and docket control activities of the General Counsel. LCTS maintained automated records of major transactions on all appeals filed with the Service, managed Trial Attorney workloads, allowed communication between offices, interfaced with the Deportable Alien Control System (DACS) and supplied trend analysis and managerial reporting.

Improvements Needed: LCTS was designed for use in district and regional offices. It is currently installed only in the Chicago, New York, and San Diego District Offices.

Improvements Planned: In June, 1988, with the concurrence of the INS Office of General Counsel, support was terminated for LCTS. It was found that at two sites usage was limited due to lack of available clerical support to enter required data to update the system. The General

Counsel Offices now use the Department of Justice AMICUS System to perform the LCTS functions.

Budgetary Requirements: None.

Audit Findings

QUESTION: The audit highlights widespread problems throughout the Agency's financial accounting systems and automation information systems. The management personnel must shoulder much of the blame for this. What action has been taken to date to specify management deficiencies?

ANSWER: The specific items in the audit cover a wide range of activities. Of the 50 items in the entire report, INS concurs with five of the findings and partially concurs with another 20. INS officials are currently developing action plans to address the supportable deficiencies which the audit identifies and will vigorously monitor their implementation. INS has submitted, for the record of the March 8, 1989 hearing, a complete copy of the document entitled "Response to the Audit of the Immigration and Naturalization Service", dated March 9, 1989. This provides details of the findings and the INS's responses.

QUESTION: What further management personnel and reporting changes will be made?

ANSWER: We cannot answer this question at this time. An answer will be provided when the issues in the audit report, with which we take exception, have been resolved.

QUESTION: What in your opinion was the main cause of these management deficiencies? Is there too much autonomy at the regional office level?

ANSWER: We view the audit results as an opportunity to improve the management and operations of the Service and address any actual deficiencies. The Service has indicated agreement with portions of the audit and has taken steps to plan and implement corrective action. The substantive findings are being addressed to assure that deficiencies are corrected and individual underlying causes are being addressed. However, we have taken issue with a number of findings which do not correctly depict INS management and operations. Because of these unresolved issues, we are not able to respond to your question concerning our opinion of what was main cause of the management deficiencies.

QUESTION: Why didn't the IMS uncover the problems identified in the audit on their own, before the Attorney General's special audit was mandated? Zhouldn't these problems have been uncovered in regular oversight and audit work?

ANSWER: Several problems addressed in the audit had already been independently identified and addressed by the Service prior to publication of the report. INS has developed and, in some instances, begun to implement action plans to correct some of the deficiencies outlined in/the audit. The Service completely disagrees with 25 of the findings in the audit, agrees with five and partially agrees with 20. The corrective actions which have been planned and which are being pursued must be assessed on the basis of INS' position regarding the audit. Almost one-third of the findings in the audit report are minor in light of the overall mission and the significant achievements of the Service.

QUESTION: If they were uncovered, when were they and what corrective action was initiated at the time?

ANSWER: There are seven specific areas where the Service was aware that problems existed and had initiated corrective action. Briefly, these areas are:

- (1) Lack of planning for Automated Information Systems (AIS) While it is true that for several years after the development of the INS long-range ADP plan in 1981, INS did not do adequate ADP planning, this has not been the case since the beginning of 1987. During that year, INS prepared a strategic plan for AIS as well as a tactical plan, both of which were published early in 1988. The Department's Systems Policy Staff reviewed and accepted both plans. The 1989 update to the tactical plan has been prepared and is being reviewed now within INS. Development and procurement activity is guided by the tactical plan, and is carried out as resources permit.
- (2) Lack of AIS security INS has made significant changes over the past two years, in the area of AIS security, especially in the password and system access areas. Last year, a professional ADP security staff was formed to undertake all the requirements of the ADP Security Act of 1987.
- (3) Ineffective Investigations Case Management System—
 The types of record-keeping deficiencies cited in the audit report had been previously identified by central office investigators in an inspection of the Dallas District Office. (While in some instances corrective action remains to be taken, some of the cases cited in the report as being completed are in fact under active investigation, and properly carried in the system.)
- (4) Inaccurate Central Index System Alien Database The Office of Information Systems has completed various tasks upgrading the Central Index System (CIS) in conjunction with the audit team recommendations. Other tasks have been scheduled for FY 1989. It must be emphasized that actions undertaken will generally affect all initial entries into the CIS from the date of the upgrade forward, and generally cannot supply missing data that was not

available in the system prior to the system upgrade. The 1986 Departmental audit indicated findings of 27 percent inaccuracy. The current audit therefore shows that the Service has made significant progress in this area, reducing the inaccuracy rate by 10 to 17 percent.

- (5) No evidence of Alien Background Investigations The Service began an automated computer system name check with the CIA in 1987. The Audit Staff was advised of this fact in our response of August 9, 1987, to the draft report of the 1986 audit. In the transmission of the final report, dated October 15, 1987, the Audit Staff considered this issue to be resolved with no further action necessary. The Service has also greatly expanded a name check system that was in existence with the FBI. At this time, there is no need to document the fact that a paper name check was made, since no paper name checks to the FBI or CIA should be made for permanent residents.
- (6) <u>High Attrition Rates in Border Patrol</u> Contrary to the audit finding, the Service has undertaken a number of steps to address Border Patrol trainee attrition, including the conduct of studies. Our records reflect that attrition rates show a steady decline from FY 1986 to FY 1988, as in the chart below:

Border Patrol Trainee Attrition Rates FY 1986 - 1988

Fiscal <u>Year</u>	Academy <u>Attrition</u> (Percent)	Post-Academy <u>Attrition</u> (Percent)	Overall <u>Attrition</u> (Percent)	
1986	30.3	18.2	43.0	
1 9 87	28.6	18.0	41.5	
1988	26.7	10.9	34.1	

(7) Lack of justification for the purchase of two luxury yehicles - In July 1988 (six months prior to the audit), in recognition of difficulties such as those described in the audit, the procedures for authorizing the direct purchase of motor vehicles were revised. Currently, emergency vehicle acquisition requirements are met using the General Services Administration express desk. In unusual circumstances where the use of direct purchase authority might be warranted, the authority shall no longer be redelegated to the Regions and the acquisition will be processed through the headquarters Contracting Office.

QUESTION: Prior to this audit when was the INS last audited in a comprehensive manner?

ANSWER: The last comprehensive audit of INS was conducted by the Department of Justice in 1986.

QUESTION: The Western Regional Office is mentioned frequently throughout the report for significant

inefficiencies. Is or was there a particular managerial problem in this region?

ANSWER: There is one overriding reason as to why the Western Regional Office is mentioned frequently in the report, and that is the significant loss of administrative personnel. The loss of experienced administrative staff in the Western Region actually dates back to 1985 when plans to move the Western Regional Office from San Pedro, California, to Laguna Niguel, California, were first formulated. This relocation was unusual because the two sites are not within commuting distance of one another. Over the next several years, a large number of employees who did not want to move their residences accepted other jobs. The Region had difficulty filling positions vacated by the departing employees because applicants from the San Pedro area would be faced with the prospect of moving, while it was too far for applicants who were interested in working in Laguna Niguel to commute to San Pedro pending the relocation.

Operating workload backlogs during FY 1988 may be directly attributed to this unfortunate situation. However, it should be noted that the Western Regional Office's accomplishments in the implementation of IRCA have been truly impressive in spite of the acute staffing problem.

To remedy this situation, the Western Regional Office has aggressively staffed up in the administrative area with highly skilled professionals. Now that the relocation to Laguna Niguel is complete, employment levels will stabilize and workloads in all administrative areas will be addressed in a timely manner.

QUESTION: For the record provide a breakdown of the number of Schedule C employees at each regional office, as compared to the number of career employees. Use FY 1988 data to coincide with the information in the audit.

ANSWER: There were no Schedule C employees in the regional offices during FY 1988. There were three Non-Career Senior Executive Service employees, all Regional Commissioners, in the regions in FY 1988. They were located in the Western, Southern and Northern Regional Offices.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

Immigration and Naturalization Service

H-1 Visas

QUESTION: Last year this Committee included language in its Appropriations bill imposing a moratorium on INS limiting the duration of stay for H-1 visa holders. How has INS conformed to our legislative directive? ANSWER: The moratorium imposed by the current appropriations language relating to H-1 visas is a prohibition on new rulemaking. No new rules relating to "H" aliens have been promulgated by INS. The five-year limitation on H-1 admissions has been in effect since 1986 and continues to be enforced. Public Law 100-658 provides for the extension of stay of certain H-1 nurses for up to seven years.

QUESTION: How many employees are there in St. Albans, Vermont?

ANSWER: The current authorized staffing level at the Eastern Regional Service Center in St. Albans is 155 full-time permanent staff including officers, clerks, and supervisors. In addition, there are other than full-time permanent staff assigned to St. Albans.

QUESTION: Have your staffing levels changed?

ANSWER: Authorized staffing at the Regional Service Center has been increased by 53 full-time permanent positions from 102 permanent full-time employees in October 1988, to 155 authorized full-time employees as of march 26, 1989. This is due to the Immigration Examinations Fee Account recently authorized by Congress.

QUESTION: Has there been a "Committee" at INS that decides which people receive H-1 and H-2 visas?

ANSWER: Individual examiners adjudicate "H" petitions in accordance with statutes, regulations, policy instructions and the body of administrative and judicial case law.

QUESTION: Has there been an addition of any staff who have the background to determine who has artistic merit to receive an H-1 visa (other than the traditional INS career employees)?

ANSWER: There is no current requirement for an immigration examiner to have a background in any particular field, since adjudicators must process petitions for aliens in virtually every professional field. Entertainers and other artists comprise a small percentage of the "H" petitions filed. While INS has considered the use of consultants for certain "H" cases, the time constraints between filing and date of need make this idea impractical. To qualify for the position of immigration examiner, an applicant must:

- . be a United States citizen:
- have either a bachelor's degree, three years of responsible experience, or an equivalent combination of education and experience;
- establish an eligible rating for the Immigration Examiner position;

 be in excellent physical condition; undergo 14 weeks of intensive training at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA.

QUESTION: How many people received H-1 visas from St. Albans during 1988?

ANSWER: Temporary worker petitions (H-1, H-2, H-3 and L-1) were approved for 33,045 petitioners during FY 1988 at St. Albans. Approximately 40 to 50 percent of these would have been for H-1 aliens.

QUESTION: How many people received H-1 visas from your other offices around the country?

ANSWER: The other INS offices approved 44,010 temporary worker petitions. Again, 40 to 50 percent would have been H-1 petitions.

QUESTION: Have these numbers increased over past years?

ANSWER: There has been a steady growth in the use of H-1 visas in recent years, just as there has been steady growth in the usage of other temporary employment categories (B-1, E-1, E-2, J-1 and L-1).

QUESTION: How many people were turned down for their H-1 visa applications?

ANSWER: During FY 1988, 8,276 temporary worker petitions were denied. Approximately 40 to 50 percent of these are estimated to be H-1 cases.

QUESTION: What is the status of "computerising" INS?

ANSWER: INS has developed automated application systems to support its mission-oriented, internal management, administrative, and support functions. Inspections processing at larger airports is supported by an automated lookout system. Naturalization casework is automated at most of the INS district offices. Deportation casework is automated at approximately half the field sites. An automated system provides a repository of data on all aliens who have contact with INS. All foreign students and schools that enroll them are in an automated system. An automated system provides tracking of the majority of the INS alien case files. Other automated systems provide for accounting for fees received, processing of financial transactions, and other types of administrative support. The implementation of the requirements of the Immigration Reform and Control Act of 1986 was aided by a significant level of automation. A computerized system processed the applications for legalization, provided fee receipts, produced identification cards, scheduled interviews, managed the adjudications casework, and compiled program statistics. Also, over the past three years, INS has procured a number of personal computers and given

increasing attention to local office automation/end user computing.

QUESTION: How much of INS is computerised?

ANSWER: For those systems which are currently planned for development, it is difficult to determine "how much" the current level of computerization is relative to what is planned. One measure of the level of automation is the number of computer workstations (personal computers or terminals) that allow local processing and/or access to centralized systems. By the end of FY 1988, the number of personal computer and terminal workstations in INS was over 4,000. The ratio of workstations per INS employee is approximately one to four. Excluding part time, second shift, and officer corps personnel not assigned to stationary worksites, the INS has two computer workstations for every five employees.

Additional measures of the relative level of automation in INS include:

- . The Central Index System now contains records on over 23 million individuals of interest to INS and other agencies. This system is accessed for several purposes by personnel throughout INS. It is also the source of the data base for the Systematic Alien Verification for Entitlements system.
- The Non-Immigrant Information System contains records on all non-immigrant alien individuals who enter the country.
- . The National Automated Immigration Lookout System provides lookout data at 54 of 434 ports of entry, including 32 of the country's major airports.
- . The Naturalization Casework System is installed at 18 of 28 planned sites.
- . The Deportation Casework System has been installed at 14 of 34 planned sites.
- . The Legalization Adjustment Processing System is available at all legalization processing sites. This system is being revised to support the requirements of Phase II of the Legalization Program.
- . The Operational Activities Special Information System that provides information on anti-smuggling, seized vehicles, and other enforcement related information, can be accessed by enforcement personnel at 280 sites across the country.
- The Computer Assisted Detection and Reporting Enhancement system that uses data from sensor equipment to detect intrusions at the border, is operational at 8 of

border sectors. (This system currently undergoing revision).

- The Alien File Accountability and Control System is installed at 19 of 39 files control offices and now tracks 66 percent of INS' alien case files.
- The INS telecommunications network has been extended to 280 sites across the country.

QUESTION: How much is left to be done?

ANSWER: First, INS must determine the proper role of automation and computerization in new programs not yet supported by automation, such as the Criminal Alien Program. To date, a prototype to determine the automation needs of this program has been conducted, but the Special Agents across the country do not currently have the automation tools they need. Second, INS needs to review and update several aging systems that have been in place for a number of years and are now nearing the end of their effective life cycle. Finally, INS plans to continue to explore new and emerging technologies for potential application in the Service. Examples of such technologies are machine reading of entry documents, automated fingerprint identification of aliens, optical disk storage of data and images, and use of expert systems to support decision processes.

QUESTION: I'd like to speak a bit about the Donetsk Ballet. They were allowed into the U.S. under an H-1 visa. They were stranded in Baltimore because the company that hosted and petitioned them into the United States never raised enough money to host an eventual tour. Just recently, several performances were given at the Kennedy Center to help them raise funds to return home. What information does INS ask for when providing an H-1 visa? What happened in this case?

ANSWER: The Donetsk Ballet company performers were admitted as H-1 nonimmigrants to perform at various locations. As required by statute, the petitioner provided evidence of the performers qualifications, the contracts and other documents to establish the nature of the performances and duration of the need. A bond is not ordinarily required in "H" petition cases except for agricultural labor, where there is a pattern of aliens absconding and violating the terms of their admission. If an immigration or consular official has reason to believe an alien may not comply with the terms of his or her temporary admission, a bond may be required before or at the time of admission. Neither INS nor the Department of State had reason to extract a bond in the Donetsk Ballet case. Should the promoter in this case seek to bring a similar group to the United States in the future, it is possible that a bond might be required at the discretion of the immigration or consular official.

QUESTION: In this country, even American companies of the biggest stature require that the people booking them post a bond to guarantee that the people will be paid and have a ticket home. What guarantees were made or even asked of the company by IMS?

ANSWER: Specific contracts between aliens and their agents are not the responsibility of INS. INS will consider use of a bond only if there is a probability that an alien will violate status.

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FEDERAL BUREAU OF INVESTIGATION

WITNESSES

WILLIAM S. SESSION, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION JOHN D. GLOVER, EXECUTIVE ASSISTANT DIRECTOR, ADMINISTRATION, FEDERAL BUREAU OF INVESTIGATION

JAY A. BRIXEY, INSPECTOR, DEPUTY ASSISTANT DIRECTOR, FINANCIAL MANAGEMENT BRANCH, FEDERAL BUREAU OF INVESTIGATION

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MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER DEPARTMENT OF JUSTICE

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF, DEPARTMENT OF JUSTICE

Introduction

Mr. Smith. The Committee will come to order.

This morning we continue our review of the Department of Justice. We have with us the Director of the Federal Bureau of Investigation, Judge Sessions.

I want to welcome you to the hearing again this year.

Mr. Sessions. Thank you, Mr. Chairman.

Mr. Smith. We will insert your justifications in the record at this point.

[The justifications and statement follow:]

(1575)



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D.C. 20535

NARRATIVE DETAIL AND SUPPORTING STATEMENT

Fiscal Year 1990 Appropriations Request Federal Bureau of Investigation

The following exhibits and narratives describe the funding requested for Fiscal Year 1990 and provide comparisons of this request with those of previous years. For 1990, the FBI is requesting a total funding of \$1,505,846,000, 21,634 permanent positions, and 21,085 direct workyears. This request represents a net change of \$66,746,000, -787 positions, and -716 workyears over the 1989 appropriation.

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LIST OF EXHIBITS

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1	Chart: 1990 Request to Congress
2	Chart: Funding Request by Classification, 1990
3	Comparison of Personnel and Funds Required, 1989 vs. 1990
4	Summary of Adjustments to Base, 1990
5	Chart: FBI Appropriations, 1981 - 1990
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7	Equal Employment Opportunity within the FBI
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9	Organization of the FBI
10	Chart: Organization of the FBI
11	Foreign Liaison - Legal Attaches Program
12	Chart: Funding Request by Major Program Activity, 1990
13	Investigative Programs
14	Chart: Agent Workyear Use in Field Programs, 1990
15	Organized Crime Investigations
16	Chart: Organized Crime Convictions, 1984 - 1988
17	Drug Investigations
18	Chart: Drug Investigations Convictions, 1984 - 1988
19	White-Collar Crime Investigations
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21	Foreign Counterintelligence Investigations

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Exhibit No.	Title
22	Counterterrorism Investigations
23	Violent Crimes Investigations
24	Chart: Violent Crimes Convictions, 1984 - 1988
25	Fugitive Investigations
26	Chart: Unlawful Flight and Other Fugitives Arrested by the FBI, 1984 - 1988
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Exhibit No.	Title
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45	Fingerprint Identification
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52	Program Direction
53	Administrative Services
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Federal Bureau of Investigation 1990 Request to Congress

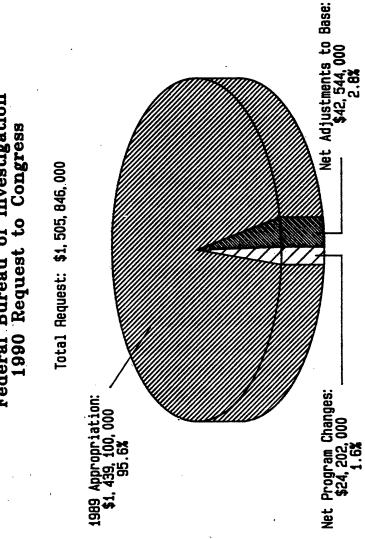


Exhibit No. 1

Funding Request by Classification - 1990

Total Request: \$1,505,846,000

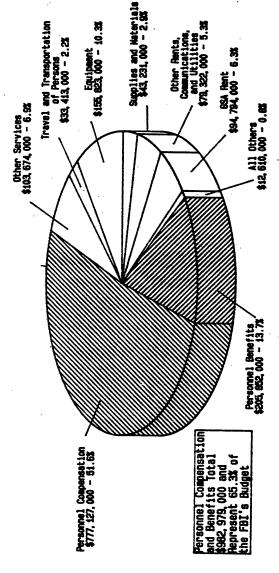


Exhibit No. 2

COMPARISON OF PERSONNEL AND FUNDS REQUIRED 1989 vs. 1990

EMPLOYERS): FBI Headquarters Special Agents		1989	1990	Increase/ (Decrease)
Special Agents				
Support Personnel				
Field: Special Agents	Special Agents			
Field: Special Agents				
Special Agents	10001 (151114)	7,200	7,002	(198)
Support Personnel	Field:			
Support Personnel	Special Agents	8,501	8,146	(355)
Total: Special Agents	Support Personnel			
Special Agents	Total (Field)	14,521	14,003	(518)
Special Agents	Motel:			
Support Employees		0.415	0.000	/^**
Total (FBIRQ & Field)	Support Employees			
Field)	Total (FBIHO &		16,025	(301)
FUNDS: PERSONNEL COMPENSATION. \$781,828,000 \$777,127,000 (\$4,701,000) OTHER EXPENSES- Personnel Benefits 191,266,000 205,852,000 14,586,000 Benefits to Former 361,000 389,000 28,000 Travel & Trans- portation of Persons. 38,565,000 33,413,000 (5,152,000) Transportation of 10,247,000 8,683,000 (1,564,000) GSA Rent 92,939,000 94,794,000 1,855,000 Rental Payments to 7,813,000 11,886,000 4,073,000 Communications, Utilities, & Other Rent 64,141,000 67,436,000 3,295,000 Printing & 2,441,000 2,512,000 71,000 Other Services 105,100,000 103,674,000 (1,426,000) Supplies & Materials. 44,499,000 43,231,000 (1,268,000) Equipment 98,870,000 155,823,000 56,953,000 Lands & Structures 150,000 155,823,000 56,953,000		21.801	21.085	(716)
PERSONNEL COMPENSATION. \$781,828,000 \$777,127,000 (\$4,701,000) OTHER EXPENSES- Personnel Benefits 191,266,000 205,852,000 14,586,000 Benefits to Former Personnel	· .			
OTHER EXPENSES- Personnel Benefits 191,266,000 205,852,000 14,586,000 Benefits to Former Personnel 361,000 389,000 28,000 Travel & Trans- portation of Persons. 38,565,000 33,413,000 (5,152,000) Transportation of Things 10,247,000 8,683,000 (1,564,000) GSA Rent 92,939,000 94,794,000 1,855,000 Rental Payments to Others 7,813,000 11,886,000 4,073,000 Communications, Utilities, & Other Rent 64,141,000 67,436,000 3,295,000 Printing & Reproduction 2,441,000 2,512,000 71,000 Other Services 105,100,000 103,674,000 (1,426,000) Supplies & Materials. 44,499,000 43,231,000 (1,268,000) Equipment 98,870,000 155,823,000 56,953,000 Lands & Structures 150,000 150,000 150,000				
Personnel Benefits 191,266,000 205,852,000 14,586,000 Benefits to Former	PERSONNEL COMPENSATION.	\$781,828,000	\$777,127,000	(\$4,701,000)
Personnel Benefits 191,266,000 205,852,000 14,586,000 Benefits to Former	OTHER EYRENCES			
Benefits to Former Personnel		101 266 000	205 052 000	14 506 000
Personnel	Benefits to Former	191,200,000	203,632,000	14,300,000
Travel & Transportation of Persons. 38,565,000 33,413,000 (5,152,000) Transportation of 10,247,000 8,683,000 (1,564,000) GSA Rent		361.000	389.000	28.000
Transportation of Things		,	302,000	,20,000
Things		38,565,000	33,413,000	(5, 152, 000)
GSA Rent				
Rental Payments to Others	Things			
Others		92,939,000	94,794,000	1,855,000
Communications, Utilities, & Other Rent	Others	7 012 000	11 000 000	4 454 444
Utilities, & Other Rent	Comminications.	7,013,000	11,886,000	4,073,000
Rent				
Printing & 2,441,000 2,512,000 71,000 Other Services 105,100,000 103,674,000 (1,426,000) Supplies & Materials 44,499,000 43,231,000 (1,268,000) Equipment 98,870,000 155,823,000 56,953,000 Lands & Structures 150,000 150,000		64,141,000	67.436.000	3.295.000
Other Services	Printing &	.,,	,,	0,220,000
Supplies & Materials. 44,499,000 43,231,000 (1,268,000) Equipment 98,870,000 155,823,000 56,953,000 Lands & Structures 150,000 150,000 Insurance Claims &	Reproduction	2,441,000	2,512,000	71,000
Equipment	Other Services			
Lands & Structures 150,000 150,000 Insurance Claims &				
Insurance Claims &	Equipment	98,870,000	155,823,000	56,953,000
Tradamaritation and and and		120,000	150,000	•••
	Indemnities	810,000	906 000	(4 000)
Unvouchered 810,000 806,000 (4,000)				(4,000)
Subtotal, Other	Subtotal, Other	7.77.77	77,000	
Expenses \$657,272,000 \$728,719,000 \$71,447,000		\$657,272,000	\$728,719,000	\$71,447,000
	TOTAL, ALL EXPENSES	\$1.439.100.000		

1583

SUMMARY OF ADJUSTMENTS TO BASE - 1990 (Dollars in thousands)

,	Budget Authority
Department of Justice Appropriation Act, 1989 1989 Supplemental provided in the Anti-Drug	
Abuse Act of 1988	\$1,439,100
Adjustments to base: Uncontrollable increases-	
Annualization of the Anti-Drug Abuse Act of 1988 1989 Full-year pay raise increase impact on 1990	\$12,235
Special salary rates	37,739 6,997
Federal Employees' Compensation Act (FECA)	12,535 145
GSA recurring reimbursable services	10,118 101
GPO printing costs Distributed Administrative Support	379 62
General pricing level adjustment Relocation income tax	7,655
Relocation services	4 000
Decreases-	\$94,247
Transfer to the Organized Crime Drug Enforcement Appropriation	
Nonrecurring costs for FECA	-114
Total net adjustments to base	
	S1.481.644

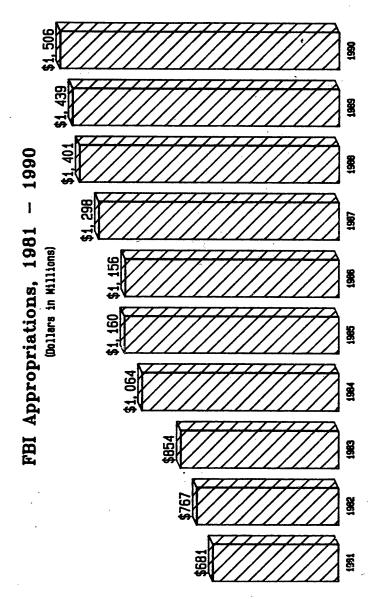
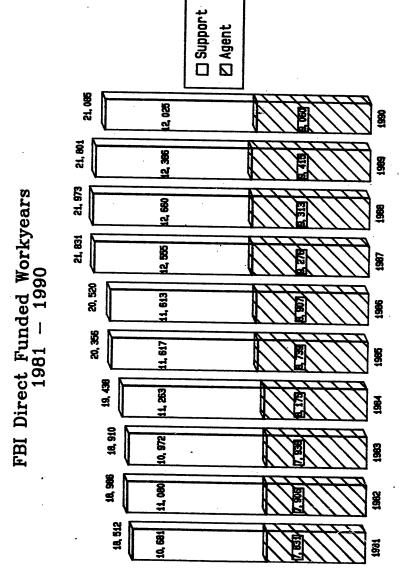


Exhibit No. 5

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Exhibit No. 6

EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE FBI

As Director, I have advised all employees of my unequivocal support of equal employment opportunity and the entitlement of all employees to work in a professional environment. I strongly endorse the initiatives pertaining to affirmative recruitment and the increase of women and minorities among the Special Agent and support personnel ranks, particularly in supervisory and managerial positions. I have approved the Multiyear Employment Program Plan for 1988 - 1992, and subsequently instituted additional initiatives to strengthen the Plan and enhance the FBI's Equal Employment Opportunity Program. These initiatives include an extensive study of the equal employment opportunity complaints process, the monitoring of personnel actions such as recruitment, hiring, disciplinary actions, promotions and resignations, and expanded training to further employee awareness to implications of discrimination in the workplace.

The FBI is continuing its efforts to increase the number of women and minorities in its employ with particular emphasis on the special agent position. The following exhibit presents a profile of the FBI's work force by sex and race along with an indication of increases made since October 1987:

RECRUITMENT OF MINORITIES AND WOMEN

Minority and Women Special Agents as of 12/31/88

				Change		
				Since 10/31/87		
					Percent	
	Field	FBIHO	<u>Total</u>	_Gain_	Increase	
Black	386	30	416	+24	+6.1%	
Hispanic	423	22	445	+46	+11.5%	
American Indian	35	- 5	40	+1	+2.6%	
Asian American	111	7	118	+7	+6.3%	
Women	804	48	852	+72	+9.28	

Percentage of Minority and Women Special Agents as of 12/31/88

	Number of Men	Percent of Total	Number of Women	Percent of Total	Total	Percent of Total
White	7,804	89.6%	738	86.6%	8,542	89.3%
Black	351	4.0%	65	7.68	416	4.48
Hispanic American	408	4.78	37	4.44	445	4.7%
Indian Asian	35	0.4%	5	0.6%	40	0.4%
American	111	1.3%	7	0.8%	118	1.2%
Totals	8,709	100.0%	852	100.0%	9,561	100.0
All Minorities	905	10.43	114	13.4%	1.019	10.7%

Number and Percentage of Minority and Women Support Personnel

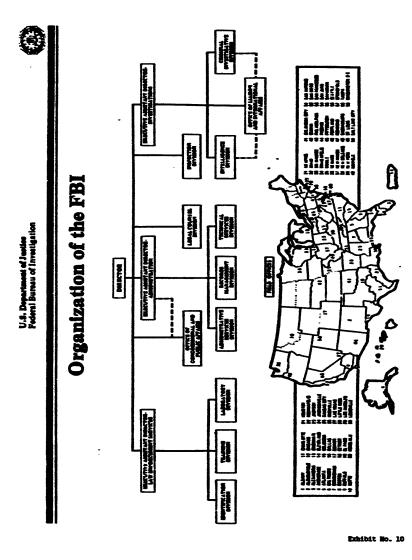
Men Women Total Support Personnel	Number 3,912 9,764 13,676	Percent 28.64 _71.44 100.04
Black	4,247	31.1%
Hispanic	398	2.9
American Indian	. 18	0.1
Asian American	164	1.23
Total Minority	4,827	35.3

ORGANIZATION OF THE FBI

THE FBI IS A FIELD-ORIENTED ORGANIZATION IN WHICH TEN DIVISIONS AT FBI HEADQUARTERS PROVIDE PROGRAM DIRECTION, SUPPORT SERVICES, AND COORDINATION TO 58 FIELD OFFICES, APPROXIMATELY 400 RESIDENT AGENCIES, AND 16 FOREIGN LIAISON POSTS. EACH FIELD OFFICE, EXCEPT NEW YORK, WHICH IS HEADED BY AN ASSISTANT DIRECTOR, HAS A SPECIAL AGENT IN CHARGE WHO IS RESPONSIBLE FOR ALLOCATING PERSONNEL AND OTHER RESOURCES TO HANDLE EFFECTIVELY ALL FBI MATTERS WITHIN ITS GEOGRAPHICAL TERRITORY. AGENTS AT LEGAL ATTACHE POSTS ABROAD ACT AS A LIAISON IN CONNECTION WITH CRIMINAL AND OTHER MATTERS WITHIN THE FBI'S JURISDICTION. OF THE TOTAL AMOUNT REQUESTED BY THE FBI FOR 1990, 67 PERCENT, OR \$1,009,061,000, IS FOR FIELD INVESTIGATIVE OPERATIONS AND THEIR COORDINATING ELEMENTS. THIS DOES NOT INCLUDE HEADQUARTERS SUPPORT, SUCH AS ADP OPERATIONS, EXECUTIVE DIRECTION, ADMINISTRATIVE SERVICES, RECORDS MANAGEMENT, AND TECHNICAL FIELD SUPPORT AND EQUIPMENT FUNDING, AMONG OTHERS, ALL OF WHICH COMPLEMENT BOTH FIELD AND HEADQUARTERS ACTIVITIES.

EXHIBITS FOLLOW THAT SHOW THE ORGANIZATION OF THE FBI
AND THE LOCATION OF FIELD OFFICES, THE LOCATION OF FOREIGN
LIAISON POSTS, AND ADDITIONAL INFORMATION REGARDING THE LEGAL
ATTACHES PROGRAM.

Exhibit No. 9



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FOREIGN LIAISON - LEGAL ATTACHES PROGRAM

The Legal Attaches Program is designed to provide a continuing and prompt exchange of information and assistance with foreign law enforcement and other agencies to insure that the responsibilities of the FBI are met. The FBI will assist cooperative foreign agencies with their legitimate and lawful investigative interests in the United States.

For over 15 years, the FBI has maintained posts abroad known as legal attache offices. There are currently 16 legal attache posts and 2 liaison offices covering more than 80 countries, enabling the FBI's 58 field offices and Headquarters to receive a constant and prompt exchange of crisinal and other information. Legal attaches develop and maintain close liaison with relevant and duly authorized law enforcement and other agencies of the countries covered to insure that the FBI's statutory investigative responsibilities are met in a timely and professional manner.

Prior to assigning YBI personnel to foreign countries, the concurrence of the United States Ambassador and the Foreign ministry of the host government must be obtained. The United States Department of State provides office space and other administrative support for the program on a reimbursable basis.

Overseas Legal Attache Posts

BERN, Switserland
BERN, Switserland
BOGATA, Colombia
BONN, Germany
BRIDGETOMN, Barbados
BRUSSELS, Belgium
CANBERRA, Australia
HONG KONG
LONDON, England
HANILIA, The Phillipines
HEXICO CITT, Hexico
HONTEVIDEO, Uruquay
CTTAMA, Canada
PANAMA CITY, Panama
PANAMA CITY, Panama
PARIS, France
ROME, Italy
TOKYO, Japan

Domestic Liaison Offices

MIAMI, Florida SAN JUAN, Puerto Rico

State and Local Assistance \$128,765,000 - 8.5% Tication Detailed Seta Training Fortice - Federal Acord Acord Monte Management Technical Field Support and Equipment \$305, 106, 000 - 20.3% Civil Rights, Applicant, and Other Investigations (Country Crises and Major Vigient Crises and Major Culturanterraries Fortign Country fortign Country (Articularies) Criminal, Security, and Other Investigations \$1,009,061,000 - 67.0%

. Funding Request by Major Program Activity - 1990

Exhibit No. 12

Total Request: \$1,505,846,000

Program Direction \$62,914,000 - 4.2% Executive Direction and Control Administrative Services

INVESTIGATIVE PROGRAMS

THE FBI'S PRINCIPAL BUDGET ACTIVITY IS CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS. THIS BUDGET ACTIVITY INCLUDES RESCURCES FOR MANAGING AND COORDINATING FIELD INVESTIGATIONS AND RESOURCES FOR ALL FIELD INVESTIGATIVE OPERATIONS. FIELD OFFICES ARE RESPONSIBLE FOR ALL INVESTIGATIONS, INCLUDING THE NATIONAL PRIORITY LAW ENFORCEMENT AREAS OF ORGANIZED CRIME, DRUGS (INCLUDING ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES), WHITE-COLLAR CRIME, FOREIGN COUNTERINTELLIGENCE, AND TERRORISM. THIS BUDGET ACTIVITY WILL REQUIRE 14,910 POSITIONS AND \$1,009,061,000 IN 1990 TO CARRY OUT EFFECTIVELY THE FBI'S INVESTIGATIVE MISSION. PROGRAM INCREASES TOTALING \$14,313,000 ARE BEING REQUESTED TO ACQUIRE EQUIPMENT TO SUPPORT INVESTIGATIVE OPERATIONS AND TO CONDUCT RESEARCH AND DEVELOPMENT TO SUPPORT THE

THE FOLLOWING NARRATIVE INFORMATION AND EXHIBITS DESCRIBE ACTIVITIES WITHIN MAJOR INVESTIGATIVE PROGRAMS:

Agent Workyear Use in Field Programs - 1988

TOTAL FIELD AGENTS: 8, 454

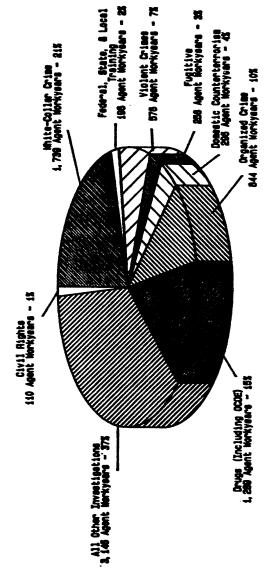


Exhibit No. 14

ORGANIZED CRIME INVESTIGATIONS

The FBI's Organized Crime Program mission is to climinate the La Cosa Nostra and other organized crime groups as significant threats to American society through sustained coordinated investigations that support successful prosecutive action. Unprecedented investigative and prosecutive successes against the La Cosa Nostra and other significant organized crime groups provided the FBI with the opportunity to implement in Docember 1987, its Organized Crime National Strategy which would onhance the FBI's efforts in the realization of its Organized Crime Program mission.

The Organized Crime National Strategy contains and is being accomplished through the following objectives: (a) Rackoteer influenced and Corrupt Organizations (RICO) investigations of each La Cosa Nostra family's illegal activities, using the "Enterprise Theory of Investigation;" (b) multidivisional approach requiring an investigative plan to address the interaction and conspiratorial activities of La Cosa Mostra families; (c) nationally coordinated criminal and civil RICO investigations to obtain evidence of the criminal relationships between the La Cosa Nostra and certain labor unions; (d) enhancement of the national intelligence base; and (e) the requirement that all FBI field offices, in the areas where a La Cosa Nostra family or other significant group is engaged in criminal activity, fully participate in the implementation of this strategy.

During April 1988, the FBI officials, including the Director, testified before the Senate Permanent Subcommittee on Investigations regarding the development and progress of the FBI's systematic investigative approach to the La Cosa Nostra and the Organized Crime National Strategy.

The FBI/NPA of Japan Working Group on Organized Crime mot in Tokyo, Japan in June-July 1988, and in Washington, D.C., in Occember 1988. The purposes of this group is to exchange criminal intelligence information regarding the Japanese Yakuza (also known as Boryokudan), conduct joint investigations, and provide cross-training in regard to law enforcement techniques and law governing the respective countries.

The FBI participated in a study with the Office of Policy and Management Analysis (OPMA), Department of Justice, to assess the significance of the Asian organized crime problem in the United States. The FBI prepared a separate report from this study which identified Chinese Triad and Japanese Yakusa activities in the United States as a significant criminal threat. This report, as well as the OPMA study, is serving as the basis for initiatives to address Chinese and Japanese organized crime.

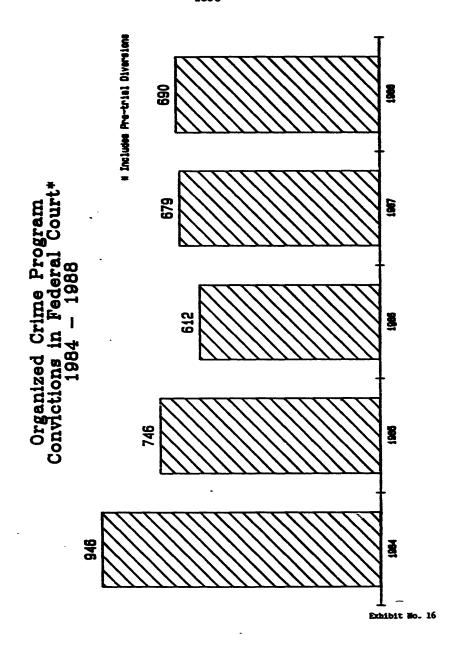
The FBI is currently participating in a study with OPMA to determine the scope of Sicilian Mafia, N'Drangheta, and Cammora activities in the United States and their interrelationship with the La Cosa Nostra. This study will allow the FBI to measure the national significance of the crime problem posed by these Italian oriminal groups.

An FBI study of the La Cosa Nostra's activities clearly demonstrated widespread drug involvement between and among La Cosa Nostra members and families. This study will permit the FBI to focus appropriate attention and resources on drug violations as predicate acts in family enterprise investigations.

The Organized Crime Program continued its significant impact upon organized crime groups in 1988. With less than a full year of operating under the Organized Crime National Strategy, the increased effect upon the La Cosa Nostra was apparent, as 186 members and associates were convicted while 222 additional members and associates were indicated. Additionally, civil RICO complaints were entered against 71 individuals and/or entities and judgments were returned against 31. Aggressive use of the seizure and forfeiture provisions of the RICO statute yielded \$28,539,426.

The overall investigative efforts of the Organized Crime Program resulted in a total of 646 indictments, 637 convictions, and 53 pre-trial diversions during 1988, including those described above. In addition, over \$8,445,000 in fines were levied against convicted individuals; in excess of \$12,200,000 in recoveries and restitutions were obtained, and over \$31,974,000 in potential economic losses were prevented.

The following exhibit shows Organized Crime Program convictions obtained in Federal court.



DRUG INVESTIGATIONS

The single most significant crime problem facing American society today is the illegal importation, distribution, and use of narcotics. This evaluation is shared by at all levels of Government, including the White House, Congress, law enforcement, and, according to national surveys, by the majority of the citizens in the United States. Statistics, White House directives, media coverage, public testimony, and Congressional oversight committees clearly support this evaluation. In 1982, the FBI received concurrent jurisdiction, with the Drug Enforcement Administration, to investigate violations of the criminal drug laws of the United States.

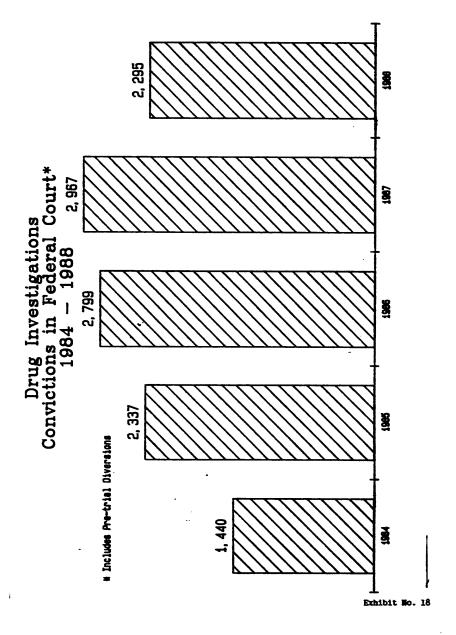
In 1986, the FBI implemented its National Drug Strategy. This strategy has resulted in a dramatic overall increase in the quality of drug investigations. FBI investigative efforts are focused on the following major drug trafficking groups largely responsible for supplying illegal drug markets in the United States: Colombian/South American, Mexican, Italian, Asian, National Outlaw Motorcycle Gangs, and major regional drug trafficking organizations. Significant results have been achieved and are continuing to be achieved by conducting long-term, sustained, multi-jurisdictional investigations using sophisticated investigative techniques against drug trafficking organizations.

While the FBI's investigative authority is limited to the United States and its possessions, the FBI maintains close liaison with law enforcement agencies of foreign governments in order to establish and follow through with a coordinated effort against the activities of organized criminals.

The Omnibus Anti-Drug Abuse Act of 1988, Section 1055, requires all Organized Crime Drug Enforcement Task Force resources to be merged into one appropriation. Effective 1990, the FBI will transfer 414 agent and 223 support positions and \$51,961,000, inclusive of personnel, to the Department of Justice Interagency Law Enforcement Appropriation.

During 1988, 2,433 convictions and pre-trial diversions resulted from the FBI's Drug Program. Approximately \$133.4 million in seizures and \$40.8 million in forfeited assets were also recorded.

Following is an exhibit showing Drug Program convictions obtained in Federal court.



WHITE-COLLAR CRIME INVESTIGATIONS

White-Collar Crime (WCC) is defined as those illegal acts which are characterized by deceit, concealment, or violation of trust and which are not dependent upon the application or threat of physical force or violance. Such acts are committed by individuals and organizations to obtain money, property, or services; to avoid the payment or loss of money or services; or to secure personal or business advantage.

The Department of Justice has identified and ranked priority areas regarding WCC. These are crimes against: Federal, state, or local governments by public officials and private individuals; crimes against businesses, consumers, investors, and employees; and crimes affecting the health and safety of the general public. In response to the above, the FBI established three major priorities for its WCC Program: (1) fraud against the Government; (2) financial crimes; and (3) public corruption.

During 1988, approximately 21 percent of the total investigative personnel of the FBI were utilized in conducting white-collar crime investigations. This effort accounted for 4,353 convictions, or 39 percent of the convictions obtained in all FBI investigations during 1988. An additional 332 individuals were placed in pre-trial diversion programs. More than \$56.7 million in fines were levied and recoveries and restitutions totaled over \$678.3 million.

Governmental Fraud Subprogram:

Governmental fraud subprogram investigations address allegations of fraudulent acts involving federally funded programs or bribery/conflict of interest in the Executive branch of Government. This top-ranked subprogram endeavors to investigate and seek prosecutions of those individuals who, through deceit or dishonesty, attempt to interfere with the lawful functioning of Federal agencies, programs, or projects. This subprogram has achieved its status as the top priority due to the concerns of the Attorney General's Economic Crime Council, the President's Council on Integrity and Efficiency, and FBI Headquarters. The investigations given "priority" status are those involving frauds in excess of \$25,000 and especially those involving the Department of Defense or the Department of Health and Human Services. Allegations of bribery and/or conflict of interest on the part of Federal employees are considered extremely sensitive and must be addressed immediately.

In addition to the corruption of Federal officials, this subprogram also addresses criminal activity in many federally funded programs. Particular emphasis is placed on investigation of illegal activities involving defense, health care, and housing programs. Emphasis is also placed on investigation of environmental crimes matters.

Exhibit No. 19

The FBI's investigation of these matters is pursued, in many instances, on a joint or cooperative basis with other investigative agencies. The Offices of Inspectors General in particular are active in joint investigations, particularly in defense and housing matters. These joint investigative efforts will continue as will investigations where the FBI singly investigates significant Government fraud activity.

Financial Crimes Subprogram:

Financial crimes investigations involve primarily frauds, thefts, and embezzlement occurring within or against the national and international financial community. Pridrity matters currently of particular concern are bank failures or bank (and savings and loan association) mergers in lieu of failure caused by fraud or embezzlement perpetrated by bank officers, owners, or major stockholders. To filustrate the scope of the bank failure problem, from January 1, 1981 through December 31, 1987, a total of 972 commercial banks and savings and loan institutions have been closed or merged with other financial institutions in lieu of failure.

The pending caseload of bank fraud and embezzlement investigations involving losses or loss exposure of \$100,000 or more has increased 53 percent in the past four years, from 2,253 at the end of 1984 to 3,446 at the end of 1988. During 1988, bank fraud and embezzlement matters consumed 459 field investigative agent workyears, which represented approximately 26 percent of the total White-Collar Crime Program's investigative resources. The nature, scope, and economic impact of the bank fraud problem requires a continued commitment of FBI resources.

The fraud by wire statute is one of the most effective tools available to combat national and international fraud schemes. These schemes include advance fee loan frauds, Ponzi investment frauds, pyramid business frauds, boiler rooms, and numerous other types of fraud. The advance fee loan scheme preys upon the small businessman, the farmer, or entrepreneur who is vulnerable because of a desperate need for cash. A specific example of an investment fraud scheme was the International Gold Bullion Exchange, which allegedly defrauded over 5,000 investors of over \$200 million. Many of the investors lost their entire life savings and more importantly, their hope for a comfortable, secure future. Continuing technological advances in mass marketing and electronic fund transfers enable the perpetrators of these fraudulent schemes to operate with remarkable speed and efficiency. Fraudulent bankruptcy, computer orimes, and stolen securities violations are also addressed in this subprogram.

Public Corruption Subprograms

Para Carrier

Public corruption involves the investigation of systematic corruption by Federal, state, and local executive and

management level public officials. Public corruption can be broadly defined as occurring when any elected or appointed public official (local, state, or Federal) acting for or on behalf of the official's public office asks, demands, solicits, seeks, accepts, receives, or agrees to receive anything of value in return for being influenced in the performance of any official act. The necessary evidence to support an allegation of public corruption must often be gained through the testimony of informants and cooperating witnesses, the use of consensually monitored conversations, or the use of undercover operations. As these investigative techniques become known through their exposure during subsequent courtroom proceedings, they must be replaced by new and often more labor intensive techniques. Electronic and operational countermeasures are now being employed by some of these same sophisticated white-collar criminals.

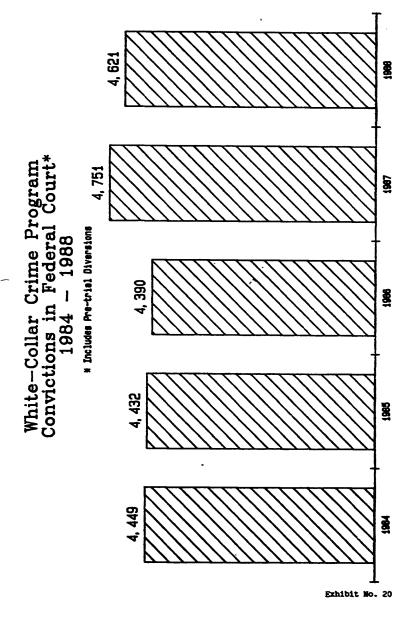
While FBI investigations involve officials at all levels of government, investigative priority and emphasis are provided to those matters involving Federal officials. Due to the large number of local office holders, the volume of matters under investigation has traditionally involved more local and county governments. Public corruption investigations are, for the most part, not undertaken by state and local authorities for a number of reasons, and such investigations have become a major component of the FBI's White-Collar Crime Program.

The FBI's investigative response to public corruption continues to be immediate, aggressive, and thorough. Prior to initiating an investigation, a careful evaluation is made regarding the credibility and motivation of the individual making the allegations and of the facts that are available to corroborate or refute these allegations. The goal of each investigation is to resolve whether or not the allegations are true. Due regard is given to the integrity and reputation of the public official alleged to have engaged in criminal conduct.

The FBI also supports efforts of the Executive Office for United States Trustees, Department of Justice, to improve the detection, investigation, and prosecution of bankruptcy orimes nationwide. Efforts in this area are directed at improved cooperation and coordination from initiation of a criminal referral to direct support of the investigation and prosecution of bankruptcy orimes.

The FBI also conducts extensive investigations in connection with the Government's prosecution of antitrust matters and the litigation of civil matters.

Following is an exhibit showing convictions in Federal court for White-Collar Crime Program violations:



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FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS

The FBI is charged with the responsibility for conducting or coordinating all foreign counterintelligence (FCI) investigations within the United States. This function is derived from various criminal statutes, such as the Espionage Statues and Foreign Agent Registration Act. In addition, FCI investigations are conducted in accordance with Presidential Directives issued pursuant to the inherent power of the President to protect and defend the Constitution of the United States. Executive Order 12333, issued December 4, 1981, is the current Presidential authority for the FBI's FCI investigations. In compliance with existing Executive Orders, the Attorney General has established guidelines for the conduct of FCI activities in the United States. The first guidelines became effective May 28, 1976. Within the parameters of these guidelines and statutes, the FBI is given discretion to develop and implement the FCI program.

The mission of the FCI program is to identify, penetrate, and neutralize the threat to the national security posed by hostile intelligence services and their agents in the United States.

In the course of fulfilling its FCI mission, the FBI serves the policy making levels of the United States Government by providing an overview of foreign intelligence activities within the United States. As a result, Government officials are assisted in making informed decisions concerning national security policy requirements. The FBI also furnishes analyses to other agencies of the Executive Branch that have specific intelligence responsibilities, enhancing the effectiveness of these agencies in accomplishing their missions. FBI investigative responsibilities have expanded due to increased access to the United States by foreign nationals from a wider spectrum of countries, the resulting increase in the numbers of individuals requiring investigations.

The FBI has a defined role within the Intelligence Community. Inasmuch as foreign-directed intelligence activities are transnational in nature, the FBI must coordinate investigative operations with other United States agencies and cooperating foreign police and other services to insure the accomplishment of established FCI objectives. This liaison is a most integral component of the FBI's FCI program.

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COUNTERTERRORISM INVESTIGATIONS

Counterterrorism investigations are undertaken to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to overthrow the Government; interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce; or deprive Americans of their civil rights as guaranteed by the Constitution, laws, and treaties of the United States. The authority for these investigations is derived from Federal statutes and Orders from the President or the Attorney General. In addition, violations of certain Federal statutes, which would logically relate to terrorism, such as bombing matters, nuclear extortion, hostage-taking, sabotage, and the protection of foreign officials, are handled within the Counterterrorism Program.

The FBI defines terrorism as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. To combat terrorism, quality intelligence must be gathered and acted upon to prevent planned violence from occurring. The intelligence process involves the collection and analysis of information regarding groups or individuals who have demonstrated a willingness and capability to engage in illegal terrorist activity.

Counterterrorism investigations are premised upon the fundamental duty of government to protect the public against criminal violence intended to destroy the constitutional system or to deny any segment of the population the exercise of their constitutionally guaranteed rights. This duty must be performed with care in order that the government itself not act in such a way as to stifle legitimate forms of dissent. To ensure the propriety of investigations, the Attorney General issued investigative quidelines for conducting Domestic/Security Terrorism Investigations in April 1983. These guidelines allow the FBI to conduct investigations of groups which advocate the use of violence in furtherance of social or political objectives and appear to have the capacity for committing the violence. The approach taken to these investigations. That is to say, the focus is on the unlawful activity of the group rather than on the motives. If it can be reasonably established that two or more persons are allied in the commission or planning of unlawful violent acts, they can be investigated for involvement in an ongoing criminal enterprise. Further, the investigation may extend to persons supporting the criminal enterprise by providing safehouses, money, weapons, or the like. These guidelines establish a consistent policy concerning when an investigation may be initiated and the methods that may be employed in conducting the investigation.

The Attorney General's Guidelines permit the government to actively combat terrorism while at the same time avoiding the repressive measures that the terrorists seek to provoke in their efforts to influence the government. As of January 25, 1989, there were 15 organizations under investigation based on these guidelines.

Although the number of actual terrorist incidents recorded in the United States has generally declined, this favorable trend should not be regarded as a signal that eradication of violent terrorism is close at hand. More properly, the reduction of terrorist incidents in the United States closely corresponds to the FBI's acceleration of an all-out counterterrorist effort which has been characterised by the steady commitment of resources, enhanced counterterrorism training, and more efficient use of an increasingly effective intelligence base.

The FBI is committed to a program of intensified investigative activity which will continue to successfully counter the violent intentions of terrorist organizations deployed in the United States. The arrest, prosecution, and incarceration of key leadership elements of various terrorist organizations coupled with successful preventative measures has significantly contributed to the decline in the number of terrorist incidents committed in the United States. It would, as stated, be incorrect to conclude from these counterterrorism successes that the permicious threat of terrorism in the United States has been all but permanently eradicated. The United States, because of its size, border, open society, and official involvement in the global political arena, is vulnerable to terrorist attack. Social and political conditions, which are often claimed as the basis for terrorist activities, have not changed to the satisfaction of terrorist organizations. Many domestic terrorist groups continue to advocate changes in these conditions through armed revolt and violence. Further, terrorist infrastructures and support networks are in place and certain terrorist groups may be motivated to initiate attacks in the United States in response foreign policy initiatives or out of maniacal desire to neutralize dissident behavior which may appear in emigre communities found in almost every corner of the Nation.

The FBI's counterterrorism efforts, if they are to achieve desirable results, must be viewed as a long-term proposition. All FBI investigative activity is carried out with the objective of minimizing the threat of terrorism to the American people.

والمراجع والمنافظ والإنجامين المعهدات والمهي الأدماعية المحادي والمراجع المحمد الأرازية

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VIOLENT CRIMES INVESTIGATIONS

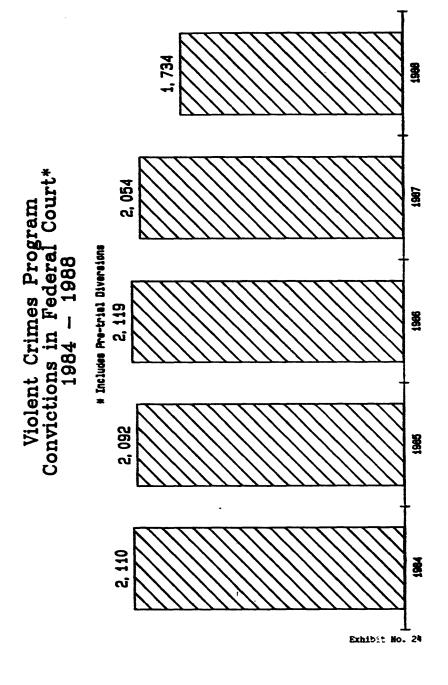
Through Violent Crimes Program investigations, the FBI becomes directly involved in the effort to stem the incidence of violent crimes that affect communities across the Nation. Through this program, the FBI investigates criminal offenses sharing the common characteristics of threatened or actual injury or loss of life. These crimes include threats, assaults, kidnapings, and assassination of the President, Vice President, Executive Department heads, Supreme Court justices, members of Congress, other designated Federal officials, their families, and Federal law enforcement officers; bank robberies; kidnapings; tampering with consumer products; theft of controlled substances; autortions; and crimes aboard siroraft. Oftentimes these crimes have considerable impact on the communities and individuals involved due to their potential for violence, the high public profile of their victims, and the opportunity for substantial monetary losses.

The arrests of Danny Michael Weeks, a Ten Most Wanted Fugitive, and Jorene Flores by FBI Special Agents in March 1988, culminated an exhaustive and thorough investigation by six field offices. Weeks was being sought following his August 1986, escape from the Louisiana State Penitentiary, where he was serving a life plus 20 years sentence for murder and armed robbery. Subsequent to his escape, Weeks began a crime spree that included kidnaping, bank robbery, and automobile theft. Flores was Weeks' accomplice in the February 1988, abduction at gunpoint of an off-duty Greensboro, North Carolina, deputy sheriff. The deputy sheriff was transported to Chicago, Illinois, and released unharmed three days later.

Investigative efforts within the Violent Crimes Program during 1988 yielded 1,933 informations and indictments, 1,467 arrests and locates, and 1,734 convictions in Federal court. Ninety-three percent of these convictions were for felony offenses. FBI investigation also contributed to the convictions of another 600 persons who were prosecuted in state or local court for violent crimes in 1988.

Following is an exhibit showing Violent Crimes Program convictions in Federal court:

Exhibit No. 23



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FUGITIVE INVESTIGATIONS

The FBI's Fugitive Program provides direct assistance, at several different levels, to other Federal, state, and local law enforcement agencies. Investigative assistance under this program during 1988 yielded a total of 1,109 arrests by FBI Special Agents and the locating of 705 individuals wanted by other law enforcement authorities.

Under provisions of the Unlawful Flight statute, the FBI assists state and local law enforcement agencies seeking felons who cross state boundaries to avoid arrest, prosecution, or confinement. Typically, these fugitives are wanted for violent crimes such as murder, armed robbery, aggravated assault, or rape, while others are charged with narcotics law violations or major property thefts. Individuals wanted for these crimes often comprise the "hard-core" career criminal element whose unchecked activities pose a threat to community safety and property. Additionally, this statute is also used as the basis for investigating the unlawful taking of children by natural parents in defiance of custody decrees. During 1988, the FBI initiated 2,977 new Unlawful Flight investigations at the request of state and local law enforcement, of which 323 were related to custodial kidnapings. Investigative efforts in these cases, as well as 2,255 other Unlawful Flight cases pending at the beginning of the year, resulted in the arrests of 1,109 individuals by FBI Special Agents and the locating of another 705 wanted persons.

The PBI also provides assistance to the United States armed forces in locating military personnel deserting under aggravated circumstances. Requests from local law enforcement agencies for laboratory and forensic assistance, as well as locating individuals for interview, are also serviced.

Following is an exhibit showing unlawful flight and other fugitives arrested by the FBI:

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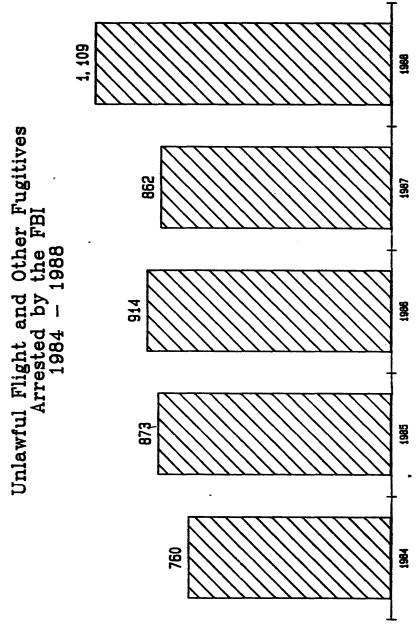


Exhibit No. 26

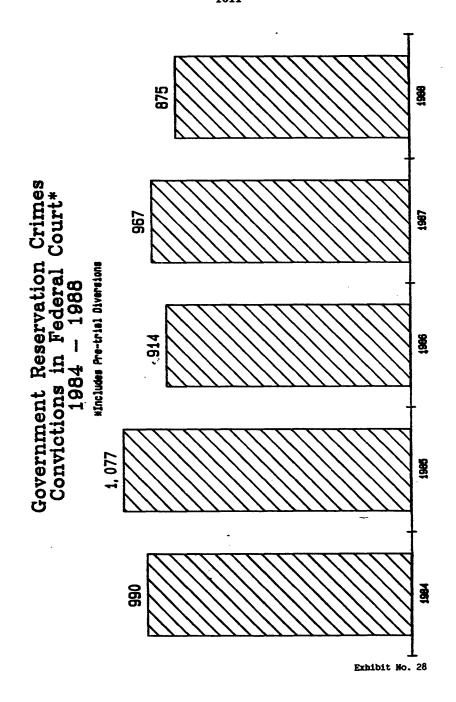
GOVERNMENT RESERVATION CRIMES INVESTIGATIONS

The United States Government, as a property owner, employer, and supplier of goods and services to its constituent agencies, departments, and the general public, is not immune from the reach of criminals. The FBI, through its Government Reservation Crimes Program, works to reduce the personal and tax dollar impact of such criminal activity.

Government Reservation Crimes Program investigations are directed toward the identification, investigation, and prosecution of criminals and criminal groups engaged in serious personal and major property crimes committed against or on property where the United States Government has jurisdiction. These properties include approximately 430 major Department of Defense installations, numerous civilian agency buildings and sites, national parks and recreation areas, approximately 256 Indian reservations, and approximately 50 Federal penitentiaries and correctional facilities. Also investigated under this program are cases referred to the Department of Justice by the Selective Service System in which an individual is suspected of failing to register with the Selective Service System as required by law, individuals impersonating Federal officials, and false identification matters.

During 1988, there were 875 convictions and pre-trial diversions in Federal court for Government Reservation Crimes Program offenses. FBI investigations also resulted in the recovery of more than \$13.3 million in stolen or illegally possessed property and the prevention of nearly \$5.3 million in potential economic losses.

Following is an exhibit showing Government Reservation Crimes Program convictions in Federal court:



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INTERSTATE THEFT INVESTIGATIONS

Crime remains a pervasive problem in American society, one that affects millions of citizens in every community across the Nation. More than 12 million property crimes -- one every three seconds -- were reported to state and local law enforcement agencies during 1987 according to Uniform Crime Report data. The number of reported property crimes increased 2.6 percent in 1987 over 1986 levels.

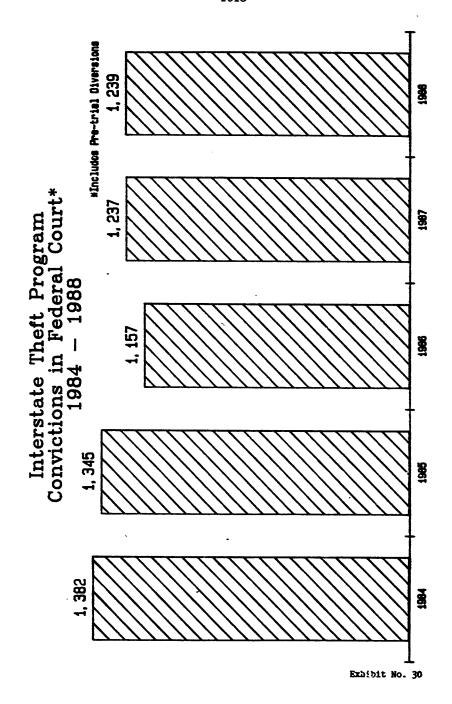
The FBI's Interstate Theft Program focuses on thefts from interstate shipments, the interstate transportation of stolen goods and motor vehicles, individuals and groups engaged in such oriminal activities, and fences buying and selling stolen property. Interstate Theft Program investigations often develop links between property crime occurrences, fences, organized crime, and narcotics trafficking. Other program investigations include arson matters, orimes on the high seas, and destruction of aircraft or motor vehicles. Traditional investigative approaches to property crime occurrences are complemented with the use of undercover operations directed against specific crime problems. Undercover operations directed against specific orime problems. Undercover operations enable FBI Special Agents to identify and penetrate theft rings and fencing operations, obtain intelligence about criminal activities, and gather evidence against high-echelon criminals who have previously been able to insulate themselves against direct lines of complicity in illegal activities.

A successful undercover operation, worked in cooperation with the FBI, the Pittsburgh Police Department, and Pennsylvania State Police, targeted three of the largest professional auto theft rings in western Pennsylvania. This operation resulted in 77 arrests and the recovery of stolen vehicles valued at over \$3 million.

A physician and 20 associates were indicted by a Federal grand jury in October 1988, for committing insurance fraud in excess of \$9 million annually at 32 weight loss and smoking clinics operated throughout the United States. These indictments seek forfeiture of all of the interests of the subjects, including cash, real estate holdings, motor vehicles, and other property.

During 1988, the Interstate Theft Program's efforts resulted in 1,239 convictions and pre-trial diversions, 851 arrests, and 102 subjects located. Another 408 convictions were obtained in state or local court as a result of FBI investigative efforts. Stolen property valued at \$186,916,472 was recovered, \$13,133,369 in fines were assessed; and \$310,275,378 in potential economic losses were prevented in 1988.

. Following is an exhibit showing Interstate Theft Program convictions obtained in Federal court:



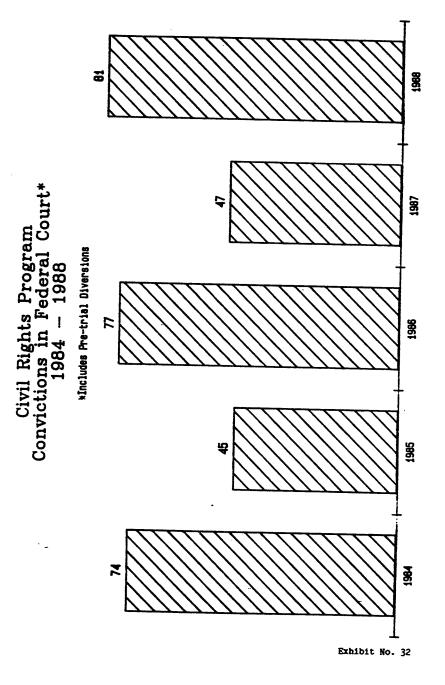
CIVIL RIGHTS INVESTIGATIONS

The Civil Rights Program addresses investigations rising from the actual or attempted abridgment of rights provided to citizens and inhabitants of the United States under the Constitution and laws of the country. The primary objective of this program is to enhance and protect those rights through expeditious investigation of matters within FBI jurisdiction. Both civil and criminal matters are investigated in close coordination with the the Civil Rights Division of the United States Department of Justice.

A total of 81 Federal convictions were achieved in civil rights matters in 1988. In January 1988, the FBI, in conjuction with the Maryland State Police, was successful in the indictment of eight correctional officers at the Maryland State Penitentiary, Baltimore, Maryland, in connection with the severe beatings of three inmates. In December 1988, a five year long investigation by the FBI resulted in the convictions of two Tuscaloosa County, Alabama, guards for brutally beating, torturing, and sodomizing an 18-year-old man.

In addition to conducting investigations, resources are also being used to provide specialized instructional programs to FBI field supervisors and investigators. The purpose of these seminars is to enhance the managerial and investigations by keeping them abreast of complex civil rights investigations by keeping them abreast of complex civil rights issues, thus enabling a more timely, accurate, and effective response to civil rights matters referred to the FBI. Similar programs are also conducted for local and state law enforcement officers attending the FBI National Academy program at Quantico, Virginia. These programs increase participants' knowledge concerning Constitutional rights and the special duties and obligations which the law imposes on law enforcement officers in upholding and protecting these rights.

Following is an exhibit showing convictions obtained in Federal court:



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CRIMINAL INFORMANT PROGRAM

The FBI considers the criminal informant to be an important and invaluable investigative tool in fulfilling its investigative responsibilities. Due to the myriad of criminal matters investigated by the FBI and the increasing sophistication of some individuals in the criminal element, it has become imperative, over the years, for the FBI to rely upon the information provided by informants to resolve many of the complex cases under investigation. The FBI has enjoyed success in the resolution of numerous complicated cases due, in no small part, to the use of criminal informants. Employment of some investigative techniques, such as electronic surveillances, is dependent upon information provided by the criminal informant.

Virtually every major case investigated by the FBI involves the use of an informant in some capacity, and the information provided by the informant results in substantial numbers of arrests and convictions each year. Informants provide information of value leading to the solution of crimes, the recovery of stolen property and contraband, the location of wanted persons, and the detection of crimes in the planning stages.

FBI informants often furnish information regarding criminal acts which are in violation of state laws or of Federal laws over which the FBI has no jurisdiction. This information is disseminated to the appropriate law enforcement agency to assist in its investigations.

Informants are not used by the FBI to circumvent legal or ethical restrictions. Informants are given specific instructions not to participate in acts of violence, not to use unlawful techniques to obtain information, and not to initiate a plan to commit criminal acts. Informants are sometimes authorized to participate in criminal activities with persons under investigation if it is determined that such activities are necessary to obtain information needed for purposes of Federal prosecution. If this participation in otherwise criminal acts involves significant risk of violence, corrupt actions by high public officials, or severe economic loss to a victim, the concurrence of an appropriate United States Attorney is obtained prior to the authorization being given.

Informants are paid for services and expenses on a cash-on-delivery basis for information provided in aut...rized investigative activity. The amount paid to an informant is determined by the FBI based on the value of the information provided by the informant.

CRIMINAL UNDERCOVER OPERATIONS

The undercover technique has opened avenues of investigative pursuit not available in the context of the traditional investigative process. The presence of an undercover special agent provides firsthand special agent testimony relating to the nature and the scope of the criminal activities, the extent of involvement of the various offenders, and the location of items of evidence. Undercover agents are often able to obtain evidence relating to the knowledge, intent, and predisposition of individuals involved in criminal activity which, combined with the use of audio and/or video tapes, produces the strongest and most convincing evidence in a court of law. Undercover agents have the ability, in certain situations, to penetrate the highest levels of criminal activity, which heretofore have been unreachable.

The undercover technique also allows for more effective and safer use of sources and informants, in that the information obtained from the undercover agent may preclude the necessity for sources/informants to testify in court. In addition, undercover operatives often obtain evidence of past and planned crimes. In the instance of a planned orime, the undercover technique affords the FBI the opportunity to take a proactive approach, rather than investigating solely after the fact.

First-hand testimony from undercover agents increases the chance of conviction and thus reduces the necessity to offer immunity or reduced charges to defendants and of using convicted felons or former confederates to prosecute higher echelon subjects.

All FBI criminal undercover operations are conducted in accordance with the Attorney General's guidelines for undercover operations.

Following is an exhibit showing convictions obtained in Federal court as a result of FBI undercover operations:

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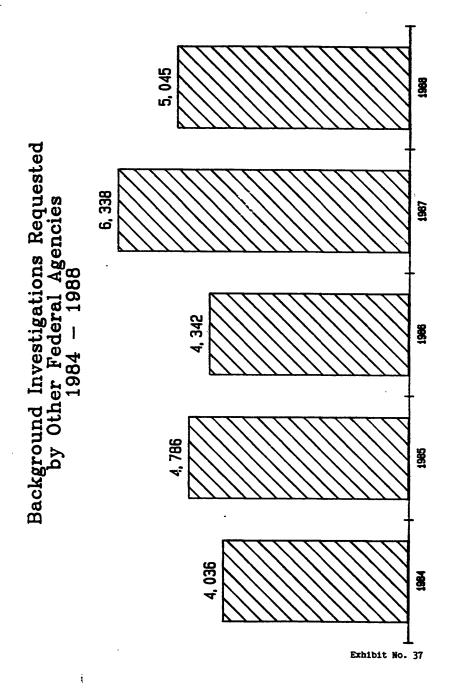
Exhibit No. 35

1, 309 Federal Court Resulting from Undercover Operations 1984 - 1988 1, 421 1, 364 Convictions* in Criminal 1, 294 *Includes Pre-trial Diversions

APPLICANT INVESTIGATION FOR OTHER AGENCIES

The FBI assists other Federal entities, including the White House, Department of Justice, Department of Energy, and others by conducting background investigations of persons being considered for Presidential appointments and other important and sensitive positions in the United States Government. During 1988, over 5,000 requests for background investigations were received. The FBI attempts to maintain strict standards of timeliness in its investigations to insure these cases are completed promptly. The FBI will not sacrifice thoroughness to meet timeliness standards, and will continue to review its procedures to insure that investigations meet the needs of the requesting agencies.

Following is an exhibit showing background investigations requested by other Federal agencies:



INVESTIGATIVE SUPPORT AND STATE AND LOCAL ASSISTANCE

SUPPORT FOR FBI FIELD INVESTIGATIVE PROGRAMS AND ACTIVITIES IS PROVIDED UNDER THE INVESTIGATIVE SUPPORT BUDGET ACTIVITY. INVESTIGATIVE SUPPORT INCLUDES TRAINING, FORENSIC LABORATORY EXAMINATIONS AND RESEARCH, MANAGEMENT OF INVESTIGATIVE AND ADMINISTRATIVE RECORDS, AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS MANAGEMENT AND MAINTENANCE, AND TECHNICAL EQUIPMENT SUPPORT. IN 1990, THESE ACTIVITIES WOULD REQUIRE 2,491 POSITIONS AND \$305,106,000. PROGRAM INCREASES TOTALING 97 POSITIONS AND \$23,326,000 ARE BEING REQUESTED TO SUPPORT THE CONTINUED DEVELOPMENT OF EXPERT SYSTEMS, THE LEASE OF DATA COMMUNICATIONS CIRCUITS AND RADIO ANTENNA TOWER/MICROWAVE REPEATER SITES, THE ACQUISITION OF ELECTRONICS SURVEILLANCE EQUIPMENT, AUTOMOBILES, AND ELECTRONICS TECHNICIANS. A PROGRAM DECREASE OF 129 POSITIONS AND \$1,094,000 IS PROPOSED FOR THE RECORDS MANAGEMENT PROGRAM AS PART OF THE PRESIDENT'S INITIATIVE TO CONTRACT WITH THE PRIVATE SECTOR FOR CERTAIN ACTIVITIES AND SERVICES. NONPERSONNEL PROGRAM DECREASES TOTALING \$11,342,000 ARE ALSO PROPOSED FROM FUNDING USED TO ACQUIRE COMPUTER WORKSTATIONS AND DIGITAL VOICE PRIVACY RADIO EQUIPMENT.

STATE AND LOCAL LAW ENFORCEMENT ARE SUPPORTED THROUGH
TRAINING PROGRAMS, LABORATORY AND FINGERPRINT IDENTIFICATION
EXAMINATIONS, AND CRIMINAL JUSTICE DATA AND STATISTICS SERVICES,
INCLUDING THE NATIONAL CRIME INFORMATION CENTER AND UNIFORM CRIME
REPORTING PROGRAMS. THESE ACTIVITIES WILL REQUIRE 2,851
POSITIONS AND \$128,765,000 IN 1990. A PROGRAM DECREASE OF 118
POSITIONS AND \$1,001,000 IS PROPOSED FOR THE FINGERPRINT

Exhibit No. 38

IDENTIFICATION PROGRAM AS PART OF THE PRESIDENT'S INITIATIVE TO CONTRACT WITH THE PRIVATE SECTOR FOR CERTAIN ACTIVITIES AND SERVICES.

THE FOLLOWING INFORMATION AND EXHIBITS DESCRIBE
ACTIVITIES IN THE AREAS OF INVESTIGATIVE SUPPORT AND STATE AND
LOCAL ASSISTANCE:

TRAINING PROGRAMS

Training provided by the FBI to its employees can be generally categorized into two areas: (1) Basic - new agents' training at the FBI Academy, and (2) Specialized - in-service training for Special Agents and support personnel at the Academy and at the field office level.

The New Agents' Training Program provides a high level of instruction to insure that basic knowledge and skills are developed to enable new Special Agents to discharge their complex responsibilities when they are initially assigned to investigative operations in the field. The First Office Agent also receives professional guidance, assessment, and training during the probationary period (one year) in the field.

Specialized training is accomplished through formal inservice programs conducted at the FBI Academy for Special Agents and support personnel. Direct field support programs using FBI Academy instructors and/or police instructors assigned to the various field offices afford additional in-service training at the field level.

In-service training is designed to develop the full potential of all FBI personnel and to specifically enable them to:

-conduct complex investigations in the highest national priority areas: organized crime, white-collar crime, foreign counterintelligence, narcotics, and terrorism, as well as carry out all other general criminal investigations, and

-apply basic law enforcement skills and knowledge such as law, behavioral science, firearms, defensive tactics, and raid and arrest techniques.

Employees participate in sophisticated management, assessment, and education programs to improve the abilities of support managers as well as the mid- and upper-level FBI executives to more effectively carry out their complicated responsibilities, including personnel and program management, affirmative action, media relations, and budgeting. In-service training provides job enrichment and career development opportunities for personnel through educational programs at the FBI Academy and elsewhere. Training efforts at the Academy and in the field support crisis management training for FBI personnel who will be expected to respond in the event of terrorism, aircraft hijackings, hostage incidents, or other life-threatening situations. FBI training efforts also include faculty improvement and research and development programs which are essential to provide effective, direct field support and training program improvement and assessment.

During 1988, 3,981 FBI employees attended various training sessions conducted at the FBI Academy. A total of 656 new agents entered on duty during this period. Specialized inservice training included courses in white-collar crime, organized crime, foreign counterintelligence, terrorism, narcotics, legal matters, crisis management, forensic science matters, behavioral science topics, undercover operations, management and executive development, technical and electronic training, and instructor and special seminars.

• Police Training Operations

The FBI provides courses of instruction for state and local criminal justice practitioners, both at the FBI Academy and throughout the United States at state, regional, and local training facilities in order to improve their administrative, investigative, management, and technical capabilities. This instruction is offered consistent with instructional expertise, availability of personnel, and budgetary limitations.

The principal course offered at the FBI Academy is the "FBI National Academy Program." This is an eleven-week, multidiscipline course for seasoned law enforcement managers nominated by their agency heads because of their potential for continuing advancement. Sessions are conducted four times a year for a total of 800 officers annually. The academic courses in this program are accredited by the University of Virginia. By the end of fiscal year 1988, 21,934 officers had completed this program, of which 901 were foreign students. One out of nine of the National Academy graduates who are active in law enforcement are the head of their agency.

In 1976, the FBI instituted the National Executive Institute. This program, 15 days in length, is designed to meet the needs of the chief executive officers of our Nation's largest law enforcement organizations. To date, more than 330 executives have participated in this program. In 1981, the Law Enforcement Executive Development Seminar, which is designed for police chiefs from mid-sized agencies, was implemented. By the end of 1988, 480 police executives had been graduated from this course. In 1984, the FBI initiated the National Law Institute, a specialized training program for state and local police legal advisors. To date, 283 have completed this one-week course, which is designed to provide current instruction and training in the areas of the law which impact law enforcement.

Specialized schools and courses dealing with a broad range of criminal justice related topics, such as Hostage Negotiation, Computer-Related Crimes, Death Investigations, Interpersonal Violence, Criminal Psychology, Law Enforcement Laboratory Matters, and similar subjects are offered at the Academy. They range in length from three days to four weeks. During fiscal year 1988, specialized schools and symposia were offered for 2,464 criminal justice personnel.

In addition to course offerings, FBI Academy faculty conducted research and provided assistance to Federal, state, and local law enforcement on a myriad of topics and investigative techniques, including psycholinguistics, forensic hypnosis, psychological profiling of unknown subjects of multiple homicide and sex crime cases, hostage negotiations, crisis management, and on major case strategy consultations.

• National Center for the Analysis of Violent Crime

The National Center for the Analysis of Violent Crime (NCAVC) has been operational at the FBI Academy since June 1985. The NCAVC is a law enforcement-oriented behavioral science and computerized resources center which consolidates research, training, investigative, and operational support functions for the purpose of providing expertise to law enforcement agencies confronted with unusual, vicious, or repetitive violent crimes.

The NCAVC addresses the issue of violent crime through its four major programs: Research and Development, Training, Profiling and Consultation, and the Violent Criminal Apprehension Program (VICAP). During 1988, the NCAVC received a total of 1,641 cases for assistance. Of this total, 1,002 were crime reports submitted to the VICAP national data center which collects, collates, and analyzes aspects of violent; crimes. At the end of 1988, the VICAP data base consisted of 3,356 cases. There were 422 requests for profiling assistance from local law enforcement and 217 cases for which the FBI had jurisdiction. Services provided in 1988 included 205 criminal investigative analyses, 164 personality assessments, 310 investigative techniques, 232 interview strategies, 42 prosecution/trial strategies, 4 testimonies, 371 crime analyses, 11 observations, 4 summary analyses, and 757 case consultations.

• Other State, Local, and Foreign Police Training

During 1988, FBI instructors provided 48,189 hours of instruction in 5,411 law enforcement schools attended by 165,409 criminal justice practitioners in the field. Instructors from FBI Headquarters supported this field training effort in a variety of subjects such as Forensic Science, Applied Criminology, Identification Matters, Management, Uniform Crime Reporting, Arson, Death Investigation, and Instructor Development. The Training, Laboratory, Identification, Criminal Investigative, and Technical Services Divisions offered a total of 494 specialized schools to local, county, and state criminal justice personnel reaching approximately 33,000 students.

As an adjunct to police training matters, the FBI has traditionally offered training in ongoing courses to a few select foreign police officers. Since 1938, 901 officers from friendly foreign nations and 208 officers from United States territories and possessions have been trained through the National Academy Program.

LABORATORY SERVICES

The FBI Laboratory is one of the largest and most comprehensive crime laboratories in the world. Since its inception in 1932, it has provided leadership and service in the scientific solution and prosecution of crimes in the United States.

FBI Laboratory services are funded and administered under two programs: Forensic Services - Federal and Forensic Services - Non-Federal. Although a distinction is made in administering funds and capturing statistics, all Laboratory examiners and technicians work in both programs using the same laboratory facilities and instrumentation.

Under the Forensic Services - Federal program, FBI Laboratory examiners participate in ongoing field investigations by conducting crime-scene searches; performing special surveillance photography; executing search warrants; and providing other on-scene scientific and/or technical services as necessary. This on-scene support has recently been broadened to include crime scene processing and technical support in extraterritorial jurisdiction cases. Forensic examinations of evidence are performed in the Laboratory in support of FBI, DEA, and other Federal investigations. Expert court testimony and demonstrative evidence are provided as necessary to enhance prosecutive efforts. Funding in this program also supports active and successful forensic science research and training for Federal investigative and crime laboratory personnel; provides specialized photographic and investigative equipment; and oversight of the Polygraph, the Foreign Language Services, and Photographic Equipment programs; and the training, publication, research, and operational support provided by the Bomb Data Center.

Under the Forensic Services - Non-Federal program forensic science examinations of evidence submitted in connection with criminal investigations and prosecutions with necessary expert court testimony may be performed, free of charge, for all duly constituted law enforcement agencies in the United States. All requests for examinations involving state and local matters are carefully screened. It is the policy of the FBI Laboratory to return requests from state and local laboratories when it can be determined that the contributing laboratory has the capability to perform the examination. State and local law enforcement agencies are encouraged to use jurisdictional laboratories when available. However, some law enforcement agencies still do not have access to jurisdictional laboratories and even when available, such laboratories often do not have the sophisticated instrumentation and/or expertise to perform the necessary examination(s). Additionally, state and local crime laboratory and law enforcement personnel receive training in courses which have been carefully selected and developed after consultations through the law enforcement and crime laboratory communities.

The success of efforts to decrease reliance of state and local law enforcement agencies on the FBI Laboratory, through providing highly specialized training in forensic disciplines to their crime laboratory examiners, is dependent upon adequate funding for this program. Much of this training is not available anywhere else in the United States and without it jurisdictional laboratories would find it difficult to improve and expand their capabilities.

• FBI Laboratory Accomplishments

During 1988, the FBI Laboratory completed 18,423 requests for examinations containing 137,797 specimens of evidence. These requests involved 895,335 forensic science examinations by FBI Laboratory personnel. Of the requests completed, 13,174 were in support of FBI and other Federal investigations. The remaining 5,249 were at the request of state, county, and municipal law enforcement agencies. During the past year, Laboratory examiners spent 1,800 days providing testimony in support of their examinations.

Other notable accomplishments include the preparation of 11,558 investigative and prosecutive aids and the processing of 2,508,000 photographic prints.

• Current FBI Laboratory Research and Training Efforts

The Forensic Science Research and Training Center (FSRTC) located at the FBI Academy was formally opened and dedicated on June 16, 1981. This unique facility houses both research and training laboratories and classrooms. The FSRTC is meeting the needs of the forensic science community by providing the necessary environment for practical "hands-on" training and applied research.

The training programs offered at the FSRTC are designed to maximize the use of physical evidence in the solution and prosecution of crimes; to enhance the professionalism of state and local crime laboratory personnel and decrease their dependence on the FBI Laboratory; and to meet the needs of Federal crime laboratory personnel. During 1988, this training was provided to 970 National Academy Students; 656 new FBI Special Agents; 389 new DEA Agents; 1,257 students in specialized forensic science courses primarily for state and local crime laboratory and law enforcement personnel; and 198 FBI in-service personnel.

Two major symposia/seminars were held at the FSRTC in 1988, an International Symposium on the Forensic Aspects of Controlled Substances and a seminar in DNA Technology in Forensic Science. The controlled substances symposia was attended by 240 scientists from 41 states, the District of Columbia, Puerto Rico, and 16 foreign countries. The seminar on DNA technology was

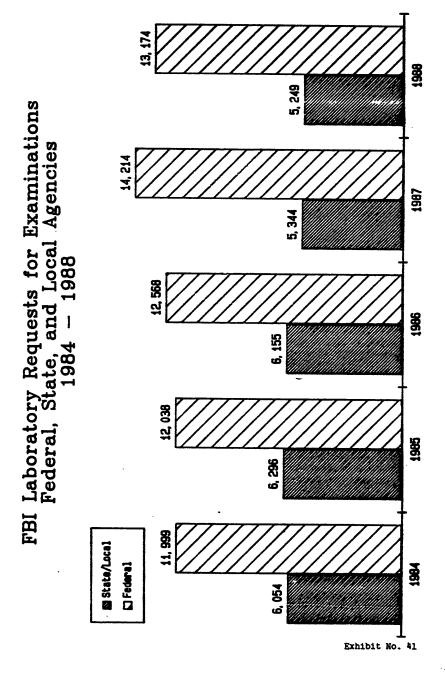
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attended by 120 scientists where presentations were made on current techniques and research in both forensic and biomedical applications.

To stay abreast of advancing technology and to better meet the needs of the law enforcement community, the FBI Laboratory engages in a research program which encompasses the entire range of forensic disciplines. Specific targets are selected through close liaison with FBI investigators as well as other Federal, state, and local law enforcement personnel. Results of research efforts are shared through publication of the "Crime Laboratory Digest," which is circulated throughout the law enforcement community and through articles published in various scientific journals. In 1988, the areas of concentration included molecular biology, immunology, chemistry, physics, and polygraph. The most noteworthy research efforts were in the area of adapting DNA technology to forensic science. This technology was incorporated into the FBI Laboratory's repertory of examination techniques in December 1988.

Following is an exhibit showing annual laboratory examination requested by Federal, state, and local law enforcement agencies:

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AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS OPERATIONS

The Automated Data Processing and Telecommunications (ADP/T) program provides the FBI with information collection, storage, retrieval, and dissemination capabilities through the use of automated data processing, telecommunications, and word-processing resources. The FBI uses ADP/T resources to support directly investigative as well as administrative requirements whenever it will achieve greater efficiency. In addition to meeting its own requirements, the FBI also dedicates a significant amount of its data processing resources to support certain related needs in the entire criminal justice community. Investigative, administrative, and law enforcement support information systems are managed centrally to make the most efficient use of the FBI's computer resources.

Expert System Development

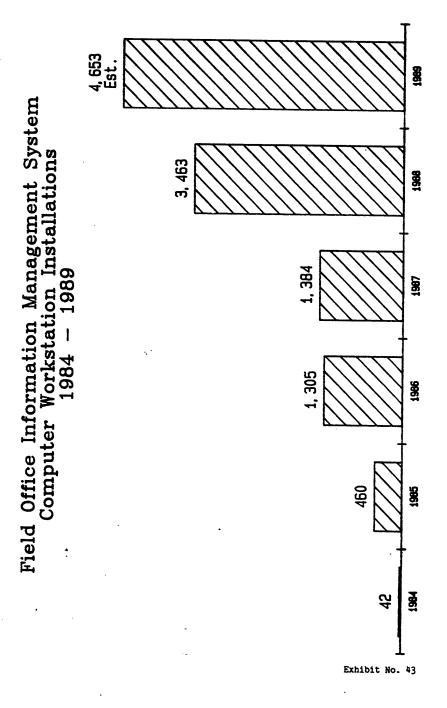
In 1984, the FBI began an initiative to apply artificial intelligence (AI) techniques to support several specific high-priority investigative needs consistent with the FBI's Long Range Automation Strategy. The FBI has initiated efforts to apply AI in the form of knowledge-based expert systems to support investigations in several areas, including labor-racketeering, drugs, counterterrorism, decision support, and name searching. Significant progress in the development of a broad range of these applications has been made during the 1985-1988 time frame, particularly in the successful fielding of prototypes. Advanced prototypes supporting drug interdiction, investigations of labor racketeering, and counterterrorism have been deployed.

• Field Office Information Management System

Implementation of the Field Office Information Management System (FOINS) continues. Baseline FOINS capabilities are available to all field offices and 135 other locations, including 4 Legal Attache posts. Mis than 6,000 investigative agents have access to the system, with 99.6 percent availability and response times of under 5 seconds. Two regional computer support centers support FOINS; the Northeast Regional Computer Support Center at Focatello, Idaho. Studies have been initiated to obtain cost estimates for the proposed third regional computer support center.

The following exhibit shows field office computer workstation installations:

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RECORDS MANAGEMENT PROGRAM

The Records Management Program is multifaceted, consisting of several distinct functional units responsible for assuring that information is maintained and available to support FBI operations. Information management is no longer simply the management of hard copy records, but the management of the lifecycle of information regardless of the form information may take. The FBI has turned to meeting the challenge of information management life-cycle by exploring a wide range of modern technologies and applying those technologies to automate labor intensive processes and thereby increasing efficiency and effectiveness.

The Office of Automation and Information Management (OAIM) is responsible for all automated information management initiatives within the program, and continues to support the Field Office Information Management System (FOIMS). FOIMS brings increasingly advanced information management systems to support field offices and speeds the reporting of investigative operations and makes basic information available in a more manageable form.

The National Name Check Program processed 3,935,435 name check requests during 1988. These requests were from executive branch agencies, certain Congressional committees, the Federal judiciary, foreign police and other agencies, and state and local agencies within the criminal justice system. Included in the above total were 1,695,953 name checks processed for the Immigration and Naturalization Service.

Under the FBI's Security Program, security clearance investigations were performed, focusing on the "trustworthiness" of an individual for access to National Security Information. Additionally, briefings/ debriefings for individuals and groups were performed and security clearances or special accesses regarding FBI employees were certified.

The Freedom of Information and Privacy Act (FOIPA) Section received 16,544 requests and processed/closed 13,482 inquiries. In addition, 1,061 administrative appeals and 102 FOIPA litigation matters were resolved.

FINGERPRINT IDENTIFICATION

The FBI's Identification Division serves as the Nation's centralized repository and clearinghouse for fingerprint records. In that capacity, the FBI furnishes identification and criminal history record services to over 22,000 agencies which are authorized to use these services by Federal statutes, regulations, and Executive Orders. The FBI's fingerprint files act as a "locator" or "index" of criminal arrest activity throughout the United States, thus avoiding time-consuming and costly checks of all 50 states to ascertain a person's complete criminal history.

When the FBI was authorized by Congress in 1924 to collect and disseminate fingerprint cards and arrest record information, it began operations with about 810,000 fingerprint cards. As of January 1, 1989, the FBI possessed over 186 million fingerprint cards, of which over 100.3 million contain criminal history data for over 24.5 million persons. The remaining 85.8 million fingerprint cards relate to over 37 million persons who have been fingerprinted in connection with employment in Federal agencies, military service, alien registration, and personal identification.

The reliance placed upon the FBI's services is evidenced by its enormous workload. During each workday of 1988, the Identification Division received an average of 54,384 pieces of mail, of which 33,605 were fingerprint cards and 20,779 were other types of mail, including name check requests, arrest disposition reports, expunction/purge requests, and requests by individuals to review and/or revise their records. These items of mail were submitted by Federal, state, and local criminal justice agencies for law enforcement purposes; Federal, state, and local government agencies and officials for employment and licensing purposes; authorized foreign governments for international police cooperation purposes; and banking and securities and commodities futures institutions for employee security purposes.

The FBI provides the following services: arrest and applicant fingerprint card identification and recordkeeping; posting of wanted and parole/probation notices; examining physical evidence for latent fingerprints and the providing of court testimony as to the results of examinations, if needed; training in fingerprint science; maintaining fingerprint records of persons currently reported missing; and the identifying of amnesia victims and unknown deceased persons.

Major accomplishments during 1988 included: the processing of over 8.4 million fingerprint cards and over 5.2 million pieces of other correspondence; the identification of 26,455 fugitives by their fingerprints; and the handling of 15,554 latent fingerprint cases, some of which involved the use of advanced laser technology.

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Exhibit No. 45

Since 1983, the FBI has operated a user-fee system in which a fee is charged for processing each applicant fingerprint card submitted by banking institutions, securities and commodities future industries, and state and local employment and licensing authorities. These fees are used to pay for the personnel and related nonpersonnel costs of providing this service. During 1988, the FBI processed 1,274,493 user-fee fingerprint cards and collected \$16,619,834 in processing fees.

Major work production accomplishments of the FBI's Identification Division for 1988 include:

<u>Category of Accomplishment</u> Fingerprint cards processed	Number of Accomplishments 8,372,907
Correspondence, forms, and name checks processed	1,541,484
Expedite and special requests processed	243,874
Disposition reports processed	3,095,012
Wanted and probation/parole notices maintained on file	116,214
Fugitives identified by fingerprints	26,455
Expungement and purge requests processed	428,289
Nonserious offense entries deleted from arrest records	64,722
Latent fingerprint cases handled	15,554
Suspects identified as the result of latent fingerprint examinations	2,526
Federal, state, and local court appearances made by FBI Latent Fingerprint Examiners	279
Sentences in cases where court appearances made: Prison terms (years) Life sentences Death sentences	3,648 24 12

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Automation of Fingerprint Work Operations

The FBI has pursued a program to automate the work operations of the Identification Division for nearly 20 years. The pioneering work done by the FBI in automating fingerprint identification provided the groundwork for most of the automated fingerprint systems used today. Starting in 1967, the FBI sponsored research to develop: (a) computerized equipment which would automatically scan and read inked fingerprints appearing on fingerprint cards; and (b) computer programs which would compare and match the computerized fingerprint data. By 1969, experimental models of fingerprint reader equipment and matching programs had been successfully demonstrated. A study performed in 1971 concluded that it would be technically, economically, and operationally feasible to incorporate automated fingerprint reader and matching equipment, as well as name searching and response generation capabilities, into the FBI's fingerprint work operations. Consequently, the FBI devised an overall plan to develop a fully automated system (AIDS). Due to the magnitude of the automation task, it was necessary to divide the project into three phases (AIDS-I, AIDS-II, and AIDS-III) and implement the phases over a period of several years. In September 1987, the AIDS-III system was renamed the Automated Identification System (AIDS) to more clearly define it as one of several systems being developed to replace manual operations and records rather than implying the complete automation of the Identification Division.

The following progress has been achieved toward the goal of fully automating the FBI's fingerprint work operations:

Year

Fingerprint Work Automation Milestones

1972-77

In 1972, a prototype automatic fingerprint reader system was delivered to the FBI. AIDS-I operations began August 1973. This phase included the building of a computerized file of identification and arrest data on first offenders, the printing of indices cards, and the generation of "No Record" name check requests. During 1976-77, five production model fingerprint readers were delivered and placed into operation, converting the criminal fingerprint search file into computerized form. To date, over 11 million first offender records have been entered into the system and over 20 million fingerprint cards have been converted.

1979-84

AIDS-II was implemented in October 1979. This phase, which is the one presently operational, provides for enhanced capabilities, e.g., on-line versus batch processing, and computerized name searching instead of mamual name indices. Computerized name searching now represents about 99 percent of the name searching performed. During this time, the FBI used equipment to

computerize fingerprints which could not be read by fully automatic fingerprint readers due to low-quality inked fingerprints and latent fingerprints.

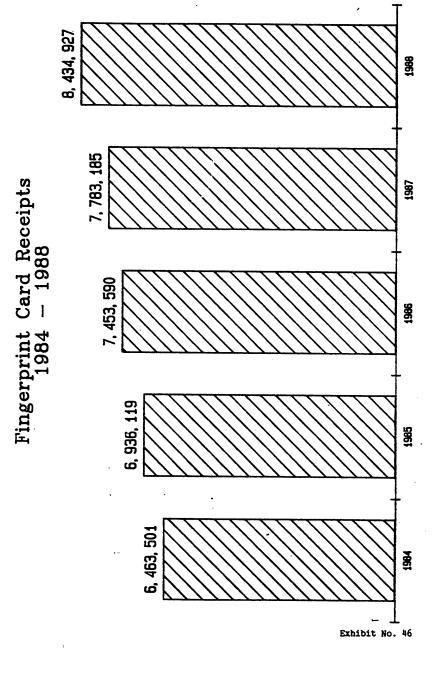
The pilot automated fingerprint searching operation which was initiated in 1979 was subsequently expanded to all units of the criminal fingerprint searching file. Presently, about 95 percent of the fingerprint searching is performed automatically. In 1984, over 8 million "rap sheets" contained in the FBI's fingerprint files became available on-line through the National Crime Information Center (NCIC) telecommunications network as part of the Interstate Identification Index. The request and response can be transmitted on-line in a matter of seconds to the many thousands of NCIC users throughout the country.

1985-88 The contract for AIS-Phase III was awarded in January 1985, to Science Applications International of McLean, Virginia. This system will replace two major automated systems and possess the capability to reduce to one day the Identification Division's processing time for 95 percent of the fingerprint cards and other documents. It will also support the NCIC Interstate Identification Index concept for decentralizing arrest records. In July 1986, the contractor moved the development into FBI Headquarters after the installation of the AIS-III computers in a new computer center. All construction relative to the implementation of AIS-III was completed and all basic computer hardware is installed.

Current A full system test of AIS-III is scheduled for February 1989. The training of personnel in the new AIS-III work procedures has begun in preparation for the transition beginning in mid-March 1989. The implementation of AIS-III is scheduled for March 30, 1989.

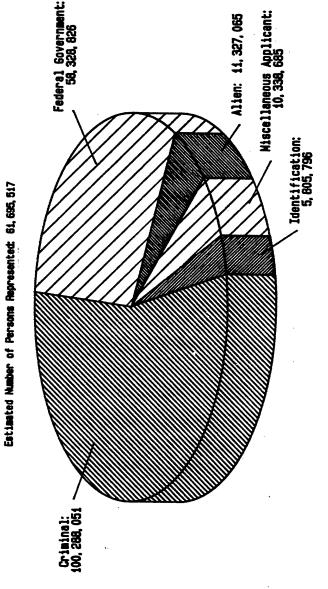
Following are exhibits showing annual fingerprint card receipts from 1984 through 1988 and a breakdown by type of the number of fingerprint cards on file as of January 1, 1989.

88 PM -



Fingerprint Cards on File

Total: 186,088,423 As of January 1, 1989



NATIONAL CRIME INFORMATION CENTER

The National Crime Information Center (NCIC) is a nationwide criminal justice information teleprocessing network which provides documented criminal justice information to the entire criminal justice community. NCIC contains records on stolen property, i.e., vehicles, license plates, guns, securities, boats, and serialized articles; wanted persons for whom arrest warrants are outstanding; criminal histories on persons arrested for serious offenses; unidentified persons; and missing persons meeting specific entry criteria. An NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations and thereby allows the users a voice in the overall management of the system. The users of NCIC, which include the criminal justice agencies in the 50 states, all Federal law enforcement agencies, the Royal Canadian Mounted Police, the Police of the Commonwealth of Puerto Rico, and the United States Virgin Islands, obtain these services on a cost-free basis.

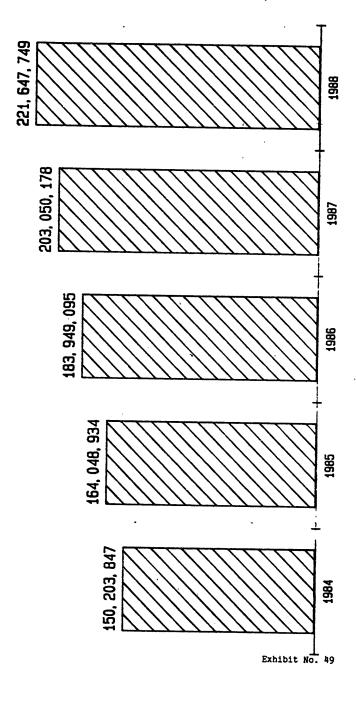
NCIC became operational more than 20 years ago, on January 27, 1967. At that time there were 15 agencies participating. During the first year of operation, NCIC logged 2,500,000 transactions—an average of 6,580 per day. By 1988, the number of participating agencies had grown to over 58,000, with over 221,000,000 transactions recorded—an average of more than 605,000 per day. As of January 1989, nearly 19,000,000 records were maintained in the NCIC data base.

• NCIC 2000 Project

In 1985, the FBI and representatives of the NCIC user community developed a statement of work to define NCIC functional requirements through the year 2000. The resulting blueprint for the redesign of NCIC calls for using the latest technology and includes features to improve and maintain accuracy and completeness of data in NCIC. In 1986, the FBI contracted services from the MITRE Corporation to conduct an analysis of NCIC's functional requirements through the year 2000. This system design study, which was completed in 1988, is the foundation for establishing the new NCIC system life cycle.

Following is an exhibit that shows annual NCIC transactions from 1984 through 1988:

National Crime Information Center Annual Transactions 1984 - 1988



UNIFORM CRIME REPORTING PROGRAM

The Uniform Crime Reporting program was conceived and implemented by our Nation's law enforcement agencies in 1930. At its inception, two basic needs were recognized. First, it was believed the American people deserved an accounting of the extent and nature of criminal activity. Second, law enforcement leaders needed an administrative tool to better manage their departments.

On a monthly basis, statistical data concerning the incidence of criminal acts from approximately 16,000 individual law enforcement agencies nationwide is collected. Data collection is grouped according to certain basic types of offenses, namely, murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. These categories comprise the Crime Index. Additionally, statistical information on arrests, property loss, and other factors relevant to criminal activity is aggregated. Collected and analyzed data are disseminated in various formats, such as:

-Semiannual releases on crime trends and law enforcement officers killed, and

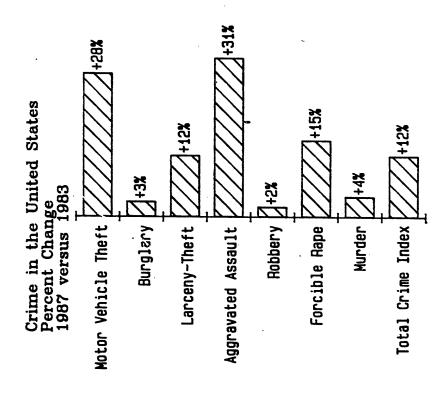
-Annual publications of "Crime in the United States" and "Law Enforcement Officers Killed and Assaulted."

Substantial cooperative efforts at all levels of the law enforcement community are necessary in gathering the data upon which the Uniform Crime Reporting program depends. The benefits derived from the program are indeed significant and have resulted in an increased understanding of the crime problem which confronts the citizenry of this country.

The following exhibit shows the percent change in Uniform Crime Reporting program index offenses between the years 1987 and 1983:

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PROGRAM DIRECTION

THE PROGRAM DIRECTION BUDGET ACTIVITY PROVIDES
RESOURCES FOR THE EXECUTIVE DIRECTION AND CONTROL AND
ADMINISTRATIVE SERVICES PROGRAMS. THESE PROGRAMS SUPPORT THE
EXECUTIVE MANAGEMENT, LEGAL, PLANNING, INSPECTION,
ADMINISTRATION, AND FINANCIAL MANAGEMENT FUNCTIONS OF THE FBI.
DURING 1990, THE FBI WOULD REQUIRE 1,382 POSITIONS AND
\$62,914,000 FOR PROGRAM DIRECTION ACTIVITIES.

THE FOLLOWING EXHIBITS DESCRIBE THE ADMINISTRATIVE SERVICES PROGRAM:

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ADMINISTRATIVE SERVICES PROGRAM

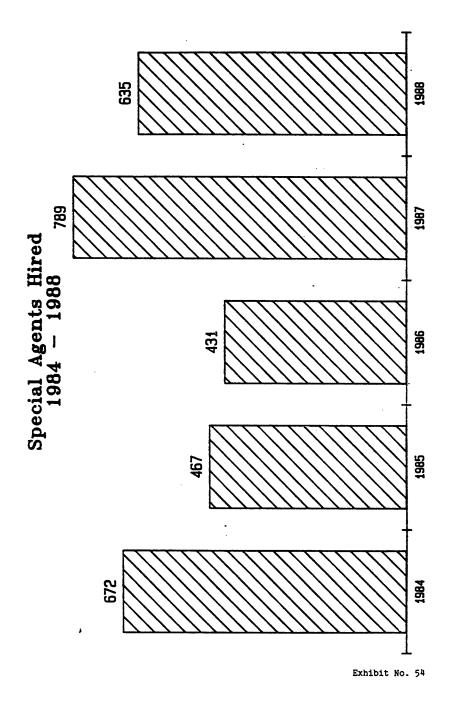
The goal of the Administrative Services Program is to provide a complete range of administrative services required to maintain the FBI as a functional entity. This goal is supported through three program areas.

Personnel Services Program. The Personnel Services Program is responsible for: the administration, coordination, and policy; formulation of pay administration, retirement, leave, safety, disciplinary action, employee performance, recognition, applicant recruitment, employee transfers, and compiling and reporting personnel statistical data. This program is also responsible for the administration of the Performance Appraisal and Merit Pay Systems, and Employee Assistance Program, to include the Mandatory Drug Deterrence Program.

An exhibit showing the number of Special Agent hires for 1984 - 1988 follows:

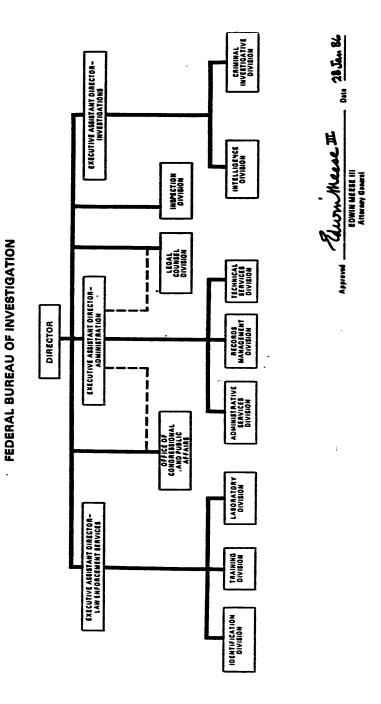
General Services Support Program. This program is responsible for the procurement of all equipment, goods, services, and supplies. Additionally, the General Services Support Program manages FBI equipment, inventory, and stock, as well as processes property seized in forfeiture actions. Other responsibilities include: printing, warehousing, security, safety, and space management, including the acquisition, alteration, renovation, and release of GSA controlled space.

Systems Support Program. The Systems Support Program is responsible for all phases of accounting functions, including all voucher payments and acquisitions, coordination of the automation of the financial accounting system, and preparation of various financial reports and schedules. Also handled by this program is the preparation of the FBI's payroll and distribution of statements of earnings, salary and expenses checks, leave accounting records, and savings bonds. Relocation and travel matters and vouchers relating to field support accounts, imprest fund, and undercover operations are also included within the responsibilities of the program.



of Justice	f Investigation	scal Year 1990	Contents
Department	Federal Bureau o	Estimates for Fi	Table of

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Organisation Chart	המשטחה
Justification of Program and Performance: Criminal, Security and Other Investigations Investigative Support. State and Local Assistance.	_ HWK
Justification of Multi-Activity Program Changes	
Detail of Permanent Positions by Category	
Consulting and Related Services. Summary of Change. Justification of Adjustments to Base. Summary of Requirements by Grade and Object Class.	



Pederal Bureau of Investigation

Salaries and Expensus

Fiscal Year 1990

Summary Statement

The Pederal Bureau of Investigation (PBI) is requesting a total of \$1,505,846,000, 21,634 permanent positions, and 21,085 workyears. This is a change of \$66,746,000 over the 1989 enacted lavel. These direct funded resources represent a net program increase of \$24,202,000 in funding and net program decreases of 150 permanent positions and 198 workyears from the 1990 base level. This budget request includes a total of \$7,01 direct funded special agent positions (9,060 direct workyears) and 12,333 direct funded support positions and workyears). There is no change from the 1990 base in the number of special agent positions and workyears) however, the program decrease of 247 support positions and 247 support workyears and \$2,095,000 refacts economies to be desired from the privatisation of certain support functions to be studied pursuant to the Office of Management and Budget (OMB) Circular A-76.

This request is being subsitted after a therough review of the requests from each component of the FBI. This review was conducted in order to insure that only those program increases which are absolutely essential to the accomplishment of the PBI's mission would be submitted for consideration and that such increases would not adversely effect the current teval of operation of the PBI.

In considering this budget request, it should be noted that the Anti-Drug Abuse Act of 1988 (P.L. 100-690) has resulted in an annualization of 119 workyears and \$12,215,000 to the base funding level or the PBI. These amounts represent the annualization provided by that Act in 1989. In addition, 617 positions and workyears and \$51,589,000 representing resources committed to Organized Clime Drug Enforcement investigations wore reduced from the PBI's base when, pursuant to Section 1058 of that Act, these resources are to be transferred to a single Organized Crime Drug Enforcement
Appropriation. These resources will be felmbursed to the PBI beginning in 1990.

This budget request also includes provinion for net adjustments to base totalling \$81,898,000 which represent not increases including the full effect of the 1989 pay raise, rent and telecommunications and other mandatory increases.

In addition to the foregoing, this budgut inquast includes certain program increases. The requested increases have been kept to a minimum end are funded in part by offsetting reductions.

The Pul's budget request for 1990 consists of four budget activities, which include a total of fifteen decision units. The budget activities are: 1) Criminal, Bucurity, and Other Investigations; 2) Investigative Support; 3) State and Local Assistance; and 4) Program Direction. The major initiatives and resource requests to support these activities are as follows:

Criminal, Security, and Other Investigations

The investigative programs included in this activity are foreign Counterintelliquinos; White-Collar Crime; Organized Crime Drug (including Organized Crime Drug Enforcement Task Forces); Counterferrorism; Violant Crimes and Hajor of fenders; and Civil Rights, Applicant and Other Investigations. A program increase totalling \$14,313,000 is requested in this activity to allow for non-personnel expenses associated with other Field Programs activities. The 1990 budget request reflects the FBI's continuing recognition of the importance of white-collar orime investigations. Particular the goals of legitlante public policy, whether such activities which tend to subvert the goals of legitlante public collar Crime programs also provides for the centinued investigation of financial crimes, in particular those crimes which result in or contribute to the fallure of financial institutions. Purthermore, the 1990 budget request allows for public. This budget proposal requires that the PBI direct its resources at only those white-collar crime activities which most profoundly affect the execution of public policy, preserve confidence in the financial markets and protect the half selections, which consumed 96 percent of the FBI white-collar crime transformed in the financial actual and requires colore continuing transformed to the BBI direct its resources at only those white-collar crime activities in 1988 (up from 85 percent in 1982), and requires close coordination with other agencies of the Pederal Government, as well as with State and local.

The Organized Crime program will continue its emphasis on the investigation of the illegal activities of the 25 families of Les Come Moutra (LCM), in particular as those activities relate to labor union racketeering, corruption of public of footblas illegal infiltration of legitimate businesses, loansharking, illegal gambling and murder. In keoping with the recent successes achieved in LCM related cause, the PBI will continue to employ the Enterprise Theory of Investigation, which requires that separate investigations directed against the activities of the several members or groups of Emphasis of Eamlies be combined for purposes of projecution. In this way, the civil as well as the criminal provisions of the RICC statute can be invoked against the named enterprise, and the penulties which can be imposed upon conviction include seisure of suscention and prohibition by civil injunction against continued association of the members. This strategy will call for the most judicious application of supplication of sevention as well as the most exilizion of sophisticated investigative techniques and analysis of information

With respect to counterterrorism activities, the 1990 budget request is designed to enable the PBI to fulfill its role as the leading Federal law enforcement agoncy in the United States Government's fight against terrorism, both domestic and international. This budget shows the resolute commitment to thwart terrorist activity and to bring terrorists to justice wherever and whenever American interests are involved.

This budget also provides for a continuation of the FBI's brug Program. The investigative approach adopted by the FBI with respect to Drugs requires that the FBI direct its resources against those groups which are identified us the most significant trafflowers in illegal merceicos, and that by systematic, coordinated, and sustained investigation such trafflowers will be neutralised as a source of narcotics. The FY 1990 budget request would allow for the continued implementation of the Mational Drug Strategy.

Finally, this budget request provides for the continuation of the FBI's violent Crimes and Major Offenders Program and the civil Rights, Applicant and Other Investigations Frogram. These programs are important elements in the overall mission of the FBI, and this budget allows for the conduct of investigations such as bank robbery, kidnaping, extortion product tampering, and civil rights in a manner which is consistent with their importance.

Investigative Supports

The programs included in this activity are: Training; Forensic Services - Federal; Automated Data Processing Telecommunications (ADP/T); Records Management; and Technical Field Support and Equipment (TFSEE).

A net program increase of 40 positions (20 workyears) and \$6,611,000 in requested for the ADP/T program. Program increases totalling 40 positions (20 workyears) and \$13,611,000 would provide finid electronics technicians to install, service, and amintain openuter workstations, telecomaunication networks, and other automation equipment. Additionally, funding requested would support continued development of knowledge-pased super systems and the lease of data communications circuits. A program decrease of \$7,000,000 from funding which was to have been used to acquire computer workstations in 1990 - 451 fuwer than enticipated. In 1989, the PBI deserved the acquisition of 53 computer workstations to offset operating expense shortfalls, principally the 4.1 percent bay raise and the New York Demonstration Project.

The TPBEE program reflects a net program increase of 57 positions (29 workyears) and \$5,353,000. Program increases would provide needed personnel remonstrate to install, service, and maintain radio communication and other technical equipment and and to handle a growing number of requires for forensic examinations of audio materials. Monpersonnel remonstrate four forensic examinations of additional radio antenna/microwave repeater mites and the acquisition of electronic survaillance equipment and automobiles. Program increases total 57 positions (29 workyears) and \$6,695,000. A program ducrease of \$4,342,000 from Digital Voice Privacy radio equipment funding is proposed. While base funding would permit the continued implementation of the Digital Voice Privacy radio system, modification to four field offices would be delayed. In 1989, the FBI deferred the acquisition of \$6,375,400 in Digital Voice Privacy radio equipment to offset operating expense shortfells, principally the 4.1 percent pay raise and the New York Demonstration Project.

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is activity concerns the Records Management progrem, which will sustain a workyears) and \$1,094,000. This reduction reflects economies expected to result to be studied for contracts with private industry pursuant to the implementation The only other program change within thi reduction of 129 support positions (129 from privatisation of dertain functions of OMB Circular A-76.

State and Local Assistance

The programs included in this activity are: deneral law Enforcement Training; Forenaid Services - Non-Federal; Fingerprint Identification; and Criminal Justice Data and Statistics Services. These programs are all in keoping with the long-standing mandate for the FBI to provide basic law enforcement services to State and local law enforcement agencies throughout the United States and abroad. These services take the form of training and forenaid services, as well as the collection, identification, collation, and dissemination of fingerprints and identification records. In addition, the FBI collects, collates, and disseminates information concerning crime in the United States.

The only program change reflected in the 1990 budget request which relates to this activity is a reduction of 118 support positions (118 workyears) and \$1,001,000 to the Fingerprint Identification program. This proposed reduction reflects aconomies expected to coour as a result of privatisation of certain functions to be studied for the issuence of contracts program to the implementation of OMB circular A-76. The Fingerprint Identification program will initiate a new user-fee program for accurate to be generated. Total revenue of \$1,900,000 is estimated to be generated.

Program Direction:

This activity consists of two programs, namely: Executive Direction and Control; and Administrative Servicus. These trocious executive direction, administrative services, legal services, planning, imspection and audit, as well the financial management functions related to the operation of the PBI. There are no program increases requested in connection with this activity; however, there is a reduction of ten percent to the PBI's Office of Congressional and Public Affairs.

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Salarium and Expension

Junti Hantium of Proposed Changes in Americania Lauguage

The 1990 budgut estimates include proposed shanges in the appropriation impunge listed and explained below. New Language is underscored and deleted satter is enclosed in brackets.

Salaries and Expenses

and for contain employees of private suctor contractors with classified government contracts and drug investions

[28 U.S.C. 5241 12]=321 18 U.S.C. 2012. UST. 22 U.S.C. 4081. 40841 Department of Justice Appropriations Ast. 17891 additional authorization. Legislation to be proposed.)

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Federal Burgan of Invoitination

Salurion and Expenses

Justification of Proposed Changus in Appropriation Language (cont.)

[For an additional amount for "Salaries and expenses", \$15,000,000, notwithstanding any designations contained in other titles of this Act.] (Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse)

Explanation of changes

- The PBI is requesting a change in the language to allow for no-year funding totaling \$8,000,000 for research and development for all investigative programs. Research and development programs are often long-term, complex projects for which timetables and exact funding requirements cannot be easily estimated. Language is being requested to insure adequate carryover funding for the continuance of initiated research and development projects relating to criminal investigative and other sensitive, security-related matters. .
- A further change to the language is requested to allow the FBI to pay for overtime and other expenses incurred by State and local law enforcement personnel involved in cooperative activities relating to drug investigations. Current authority allows for these payments for cooperative activities under the Joint Terrorism Task Proses. An extension of this authority to drug investigations is requested. ÷
- The FBI is also requesting language to extend the authority to charge a few for expenses incurred for conducting fingerprint and hame chacks for noncriminal purposes. Current authority allows for user fee charges for noncriminal employment and licensing purposes. The requested language would extend this authority to the area of fingerprint and name checks on employees of private sector contractors with classified government contracts. ξ.
- A language change is requested to rullect the requestud funding available for carry forward for the language translation system ÷

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Pederal Bureau of Investigation Salaries and Expenses Crosswalk of 1989 Changes (Dollars in thousands)

		190	99 President	President's	Congres	sional /	Appropriation	Ę	Denred	o com y	901	Ac Pres	40
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.; •	Criminal Security, 6 Other Investigations: Other Field Programs	9,347	8,925	\$602,776	-354	-143	-\$29,004	-153	-145	88	8,840	8,637	\$573,860
ė ö	Organized Crime	1,739	1,640	110,893	500	552	9,933	-17	225	8,560 8,447	2,69,	1,587	101,530
નં	White-Collar Crime	16,220	15,237	188,237 996,180	-250	-200	-29,190	200	4	11111	25.51	15.055	1.000.201
		381	370	\$28,218	44	44	-\$3,006	78	70	\$337 163	381	370	\$25,549 - 21,560
.	ADF & Telecommunications Records Management	1,155	1,114	149,696 45,101	- - - -	95	-13,850	365	2°	-16,993	1,148	1, 107	44,740
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e •	State and Local Assistance: General Law Enforcement	,	4	610 013				¥	4	403	920	6,0	610 220
ėö	Forensic Services-Non-Federal Fingerprint Identification	2,465	2,467	9,348	:78	:18	-165 -7,336	. :01-	.:61	-3,171	2,383	2, 395 2, 395	8,900 84,225
ö	Criminal Justice Data and Statistics Services	3,049	3,045	132,273	7-51	152	-117	-95	-95	-2,540	197 2,969	192	122,103
4.99	Program Direction: Executive Direction & Control. Administrative Services	531	505 739	\$27,358	-13	9-	-751 1,977	96	5 96	\$306 2,520	523 859	504 842	\$26,913 32,387
	Subtotal	1,287	1,244	55,248	9	4	7.226	101	101	2,826	1,382	1,346	59,300
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Congressional Appropriation Actions

The 1989 Appropriation did not include requested net program increases of 925 positions and \$92,047,000. It also failed to provide \$9,760,000 of the net adjustments to base.

The FBI was also allocated an additional 279 positions, 142 workyears, and \$15,000,000 for the Drug Program in accordance with the Anti-Drug Abuse Act of 1988.

Reprogramings

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Department of Justice Appropriation Act, 1989. 1989 Supplemental prevising in the Anti-brus Abuse Act of 1988.	risties A in the An	66, 1989	use Act of 196	2					₹ ₹	21,659 142	2, 42, 23 26, 33, 32	33
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Federal Bureau of Investigation

Salaries and expenses

Justification of Program and Performance

Activity Resource Summery (Dollars in thousands)

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Activity: Criminal, Security, and Other Investigations	Other Field Programs 8,840 Organized Crime 1,657 Organized Crime 2,004 White-Collar Crime 15,567	This budget activity includ operations for the PBI. The the United States and Puert areas of organized crime. I legal attaches program. I Organized Crime Drug Enforce
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Long-Range Goal: To reduce the incidence of various general criminal activities; to conduct appropriate applicant, civil rights, and fugitive investigations as directed by law and the Attorney General; and to counter within the United States the hostile activities of foreign intelligence officers, agents, and terrorists.

#### Major Objectives:

To conduct thorough, penetrative, and timely background investigations on candidates for appointment by and caployment with the White House, Department of Justice (DOT), certain Congressional committees, and other Pederal agencies.

To investigate (based upon self-initiation or at the request of the Attorney Genoral) alleged violations of various civil rights statutes, and provide, on a timely basis, the results of civil rights investigations to DOJ for prosecutive action or referral to another Pederal agency.

To develop an automated capability to analyze civil rights investigations; to identify patterns of violence involving individuals, groups, or local police agencies; and to analyze the hature of civil rights complaints to determine patterns of discrimination directed against individuals:

To effectively recruit, process, investigate, and appoint the most qualified individuals available to meet the internal staffing needs of the PBI.

To invostigate threats and assuults against, kidnapings, or assassination of the President, Vice President, executive department heads, members of Congress, Justices of the Suprume Court, other designated Government officials, and Federal law enforcement officials, and Federal law enforcement officials, includings includents involving the sexual exploitation of children; extertions; crimes aboard alcorate; tempering with consumer products; theres of controlled substances; and other personal crimes under PBI jurisdiction.

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To locate and apprehend State and local fugitives charged under the Fugitive Felon Act with unlawful flight to avoid arrest, prosecution, or confinement for violent crimes, substantial property thefts, and drug violations; to locate and apprehend major Federal drug offenders sought by the Drug Enforcement Administration (DEM); United States military apprehend major Federal drug offenders country to be an extra under aggravated circumstances; to assist local police againcies in criminal investigations; and to conduct investigations in fraud and related activities in connection with identification documents without a disclaimer.

To achieve the maximum bank robbery solution rate; solve major bank burgiaries and largenies, as well as violations of the Hobbs Act involving armored carriers; and to achieve the most effective prosecutive results possible by providing an immediate investigations to identify, locate, and apprehend individuals responsible for these crimes.

To identify, investigate, and develop cases for prosecution against individuals and organized groups involved in thefts from interstate shipments or angaged in the interstate transportation of stolen property, motor vehicle theft rings, other Pederal property crimes, and the fencing of stolen goods.

To investigate serious parsonal and major property orimes committed on Indian reservations, in Federal correctional institutions, and on United States property, funds, weapons, and explosives from Federal buildings, aupply depots, and installations; and Salactive Service Act matters. To investigate impersonation structions where a person assumes or pretends to be an officer or employee acting under the authority of the United States.

To expand existing liaison internationally as necessary to support the increasing investigative responsibilities of the

Bass Program Description: Other Field Programs is the PBI's largest investigative program in the Criminal, Security, and Other Investigations budget activity. The program consists of several diverse investigative activities, which include violant crimes, interstate theft crimes, or and include severations, Government reservation crimes, state and local fugitive matters, civil rights matters, applicant matters, and other investigations.

The Violent Crimes and Major Offenders portion of Other Field Programs is divided into four major programs listed as follows: the Government Reservation Crimes program, Fugitive program, Interstate Theft program, and Violent Crimes program. For Fiscal Year (FY) 1989, 133 agont positions (127 Workyoars) and 67 general support positions (14 Workyears) were reprogram from the Violent Crimes and Major Offenders program to the Organized Crime, Mhite-Collar Crime, and Applicant Non-Relmburgable programs. This adjustment to base funded levels is to ensure that the field's funded resources match its actual utilization rate.

The Government Reservation Crimes program investigates serious violent and major property crimes committed on Indian reservations and United States Government property, including approximatoly 430 major Department of Defense installations, civilian agency buildings and sites, national parks and redrestional areas; and Pederal penitentiaries and correctional facilities. The Fugitive program assists states and local law apercies beaching show who cross state boundcaries to avoid prosecution or confinement. The Interstate That Crimes program investigates thefits from interstate shipment, interstate transportation of stolen property and/or motor vehicles, individuals and groups engaged in such activities, and fences admining in stolen property. The Violent Crimes program addresses a group of offenses involving the common characteristics of threatened or actual injury or loss of life including threats against the President, vice President, executive department heads, Supreme Court Justices, members of Congress kidnapings; extortions; tampering vito orsumer products; that of children under the White Slave Traffic Act and Interstate Transportation of Obscene Matter Statutes.

The Civil Rights, Applicant, and Other Investigations portion of Other Field Projrams addresses several distinct areas, which include background investigations, civil rights investigations, and FBI employment matters. The suitability and trustvorthiness of candidates for appointment to accurate an entering and candidates for appointment to positions which are sensitive within the Federal Government are matters of fundamental concern to all citizens. In order resource levels for 1989 and 1990 have been increased for Presidential appointees and White House staff, vorkyears (2.7 positions) from the Violent Crimes and Mojor Offenders portion of Other Field Programs to Civil Rights, Applicant, and Other Investigations. Additionally, basic constitutional quarantues must be profected by the FBI through appoint and theorough investigations of alleged violations of Federal civil rights statutes. Beginning in 1988, the FBI received responsibility for the investigation of matters involving damage to religious property and obstruction of relations in the free exercise of religious builders.

The PBI is also the lead Foderal law enrorcument agency in the United States Government's effort to counter any terrorist activity directed against the U.S. Government and its citizons. The FBI defines terrorism as the unlawful use of force or violance against persons or property to intimalate or coorce a government, the dividing hopulation, or any segment thereof in furtherance of political or social objectives. In 1988, the FBI 'g Torrorism program was renamed the Counterterrorism program to more accurately describe its chjectives. This program is divided into two categories, this program can be broken down into two origin, base, and objectives of the terrorist organization. The activities of intelligence which is augmented by an exchange of information between the FBI and other agencies, both in this country and abroad, 2) and reaction to terrorist activity through climinal/countreferrorism investigations and other law enforcement options designed to successfully arrors and convict the turrorist groups' mumbers and individuals who perpetrate other griminal acts related to turrorist activities.

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The reactive portion of the program utilizes all the resources and techniques of the FBI to actively investigate and prosecute terrorists who commit violent analysis illegal acts in the United States. These original acts include violations of the Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection in the Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Protection of Pro

Accomplianments and Morkload: The statistical accomplishments and workload estimates for Other Field programs are presented in the following table:

# Civil Rights, Applicant and Other Investigations

			Estin	Estimates
Investigative Matters Received	7887	1988	1982	1920
Reimburgable Applicant (except DEA)	15,708	13,576	14,500	14,500
Nonreimbursable Applicant (except FBI Applicant)	26,379	25,660	30,000	26,950
Other Investigations	4,119	3,659	3,900	3,900
Civil Rights	6.142	6.176	6.200	6,200
Total Investigative Matters Received	52,348	49,071	54,600	51,550
PBI Applicant Matters Received				٠
Support Applicants Cases Opened		4,308	3,150	3,150
Special Agont Entrance Tests Received		9,348	4,812	8,500
Special Agent Language Tests Received		1,216	950	1,000
Special Agent Interviews Recuived	2,978	2,609	1,925	3,400
DEA Applications Received (Rolmbursable)	739	9	311**	350##
Specialty Support Applicants Processed	453	292	750	150

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Item	7887	1988	1982 1982	Estimates 1990
Invastigative Matters Completed				
Reimbursable Applicant (except DEA)	15,440	14,625	15,800	15,800
Civil Rights.  Total Invastigative Natters Completed.	3,806 51,068	1,341 6,102 49,850	3,900	3,900
PBI Applicant Matters Handled				
Support Applicant Tests	3,815	4,308	3,150	3,150
Specialty Applicant Cases Processed	453	867	750	750
Special Agent Entrance Tests Processed	9,848	9,348	4,812	8,500
Special Agent Language Testra Processed	1,166	1,216	950	1,000
TAPER ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOHOLIST ALCOH	159	733	750	906
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DEA APPLICATE CASES Frodessed (Reimbursable)	739	617	311**	350
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pheciatry support Applicants Hired	174	276	300	300
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Reflects the beginning of a ruturn to a more normal workload lavol aftur the influx of additional requests anticipated
to be received during 1989 due to the upcoming President transition.
 Based on DEA's hiring plan for 1989.
 ***This figure is based on 1989 levols. DEA has noted they are not having any internal budget meetings regarding the
number of hires for 1990 until sometime in January 1989.

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27,843¢ 68,652 96,512 (28,456)	6.056 0.056 0.056 0.050 0.050 0.050 0.050 0.050 0.050	\$17,562 1,118 \$665 1,118 nvestigative mati
28,076 69,544 97,620 (28,333)	69 69 69 69 69 69 69 69 69 69 69 69 69 6	\$6,759 1,204 1,204 \$730 1,057 the total i
1 Investigative Matters Pending From Previous Year 1 Investigative Matters Received	tal Investigative Matters Completed.  laints Filed.  Inatic Piled.  ctach Piled.  ctach Firested.  ctach Located.  veries (\$000)  veries (\$000)	Convictions and Pretrial Diversions

Violent Crimes and Major Offenders

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	1987	1988	1983
Terrorist Incidents	7	•	•
Persons Killed	9	0	•
Persons Injured	0	0	•
Title III Requests	~	•	<b>.</b>
Mattal	-		-
Renewal	•	~	~
Horkload Outputs			
Arrests & Locates - Domestic Terrorism	1.13	50	30,70
Convictions - Domestic Terrorism	. A	97	112
Terrorist Incidents Prevented*	•	n	n

*Terrorist incidents statistics are for calendar years.

<u>:</u>

Over the last several years, program managers within the Violent Crimes and Major Offenders program have emphasized quality versus quantity with respect to investigative matters. This approach has resulted in a consistent increase in the number of priority wivestigative matters opened each year. These matters are usually more complex, long-term and personnel intensive than non-priority matters. The percentage of new office origin investigative matters opened within the Violent Crimes and Major Offenders program has increased from 63 percent in 1982 to 82 percent in 1988.

Between November 21 and December 4, 1987, extensive FBI investigative and tactical resources were deployed in response tprion riots and hostage situations at the Federal Detention Center, Cakdale, Louisians, and the United States
Penitentiarity Atlants, Georgia. These insurrections began in response to a new agreement between the United States and
Cuba concerning the deportation of certain cuban detainess to Cuba. The FBI played a tactical leadership role at both
institutions wending hundreds of agents, assuaing control of tactical operations, conducting vital hostage negotiations
developing significant intelligence, and providing necessary equipment.

On April 1, 1988, Charles Leaf, II, kidnaped his former common-law-wife, Cheryl Hart, and their three-year-old son from her home in Connecticut. It was learned from Leaf's girlfriend that he theinended to kill Hart and take back his son. A local warrant was issued charging Leaf with the kidnaping of Hart and their son. After Leaf's vehicle was found abandoned in Rappahannock County, Virginia, a Pederal Warrant was issued charging Leaf with Unlawful Plight to Avoid Prosecution (UPAP). The PBI's immediate commitment of resources and ability to work closely with the local, state, and char Pederal law enforcement personnel involved brought this volatile altuation to a swift end before harm could come the victims.

During 1988, training was provided to new agents in both background investigations and civil rights matters; a three-day seashar was provided to supervisory and investigative personnel handling civil rights cases; and each police manager attending the PBI Mational Academy received more than two hours of training presented or sponsored by the PBI Griminal Investigative Division's portion of the Civil Rights, Applicant and Other Investigations program. These training sessions are instrumental in the PBI's efforts to improve education for criminal justice personnel on their obligations under Pederal Livil rights statutus and to reduce the number of civil rights investigations involving use of force and violence investigations.

On August 11, 1988, William Rous was arrusted and indicted by a Federal grand jury in Los Angeles and charged with mailing an explosive device. Noss is a local relator who allegedly hired Jewish Defense League member Robert Manning to commit the bombing, which killed one person, at the Pro Most Computer Corporation, Manhattan Beach, California. Manning was previously indicted by the grand jury for sonding the explosive duvicu. Rochulle Manning, wife of Robert Manning, was arrested on June 22, 1988, for her involvement in the bombing and will remain incarcerated until her trial. Robert Manning is currently in Israel and attempts are buing made to uffect his extradition. Manning is suspected of committing other bombings for the Jewish Delunsu League.

Over June 28-29, 1988, two sealed indictments were returned by a Pederal grand jury charging Rone Corvo and twelve cindividuals with violations of United States neutrality and weapons laws. On July 13, 1988, the first indictment was messade and Thomas V. Possy, Jack Terral, and five other were areasted. The second indictment was unsaaled on August 23, 1988, charitae Corvo and five other individuals with "Expedition Against a Friendly Nation." On August 24, 1988, Francisco Hernandez was arrested and charged with a neutrality violation. This investigation was instituted upon allegations that an individual connected with two United States-based, pro-Contra organizations were structured in violation of neutrality laws and violation of arms export control laws. Neutrality violations in this matter stem from the recruitment, training, and transportation of mercenaries from the United States to fight alongside the Contras.

#### Program Changes:

	15	990 Bass	-		1990 Ra	timate	Ingr	ease/De	crease
	Perm.			Perm.			Perm.		
	Pos	겈	Pos. WX Amount	Poe	걸	Pos. MY Amount Pos. MY Amount	Pos	걲	Amount
Other Field Programs	8,840	8,637	\$601,657	8,840	8,637	8,840 8,637 \$601,657 8,840 8,637 \$615,975	:	:	\$14,313
The FBI is requesting \$14,313,000 for various general and technical equipment categories and research and development. This funding is necessary to provide adequate inventories of equipment to field investigative and special support personnel and technical equipment as needed. General and technical equipment are essential for the effective utilisation of sophisticated investigative techniques such as physical surveillance, pen registers, Title-III and other electronic surveillance, and undercover operations. Without this funding, the FBI's capability to utilize these types of investigative techniques would be hampered.	neral ar ventorio xisting sticate 1lance, ve tech	nd techies of equipmed investigate und	nical equi quipment t ent as nes tigative t dercover o	pment c o field ded. G echniqu peratio	ategori invest eneral es such ns. Wi	es and residation and technique and technique technique thout this	sarch a 1 specion odu cal equ si surv fundin	nd deve al supp ipment eilland	lopment. ort are B, pen PBI's

Increase/Decrease Amount \$105,084 Amount 1990 Estimate ...... 1,657 1,587 \$101,530 1,657 1,587 \$105,084 1,657 1,587 걸 Amount 1990 Base Ħ Pera. Perm. MY Amount Organized Crime

Long-Range Goal: To eliminate the La Cosu Nostre (LCN) and other organized orininal groups as significant threats to American society through sustained, coordinated investigations that support successful prosecutive action.

#### Halor Objectives:

To ponetrate the hierarchy of the LCN by identifying the leadership and membership of these groups in an effort to determine the trouplicity in criminal activity as well as determine the aktent of interreductionships among the LCN families and thereby develop successful presecutions for profit oviciations of Pederal statutus, including the Racketeer Influenced and corrupt organizations (RICO) and the Continuing Criminal Enterprise (CCE) statutes.

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To further determine the extent of influence and control the LCN has established within the legitimate labor union community in the United States; continue to pursue investigations against the LCN through an aggressive and successful Labor Racketeering Program within the FBI that would eliminate this control and have a lasting and positive impact upon the nation's economy.

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To insure the capabilities of the Organized Crime Information System (OCIS) would enable the FBI to collate the Vast quantity of information concerning organized criminal activity so that complex associations between members of organized criminal groups may be identified.

To utilize the civil provisions of the RICO statute in order to rid the labor movement of (the LCN while simultaneously removing a major financial and political resource of the LCN.

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commensurate with To initiate and conduct investigations into the illegal activities of other organised crime groups available resources. To develop and maintain a national intelligence base which would consist of quality, high level informants to penetrate the organizational structure and operations of organized crime groups; cooperating witnesses to provide first hand testimony as to the day-to-day operations of these illegal organizations and include their subsequent entry into the Witness Security Program if necessary; and liaison efforts with other Federal, state, local, and foreign law enforcement agencies.

To provide overall coordination and management oversight of efforts relating to the use of sophisticated and sensitive investigative techniques including court approved Title III intercepts, consensual monitorings, undercover operations, airoraft and physical surveillances, and to perform a vide variety of administrative and investigative support functions.

Base Program Description: This program addresses the problem of organized crime in the United States. The primary focus of the PBI's Organized Crime program is the illegal activities of the LCN. The LCN, as well as other organized criminal groups such as the emerging Asian Organized Crime groups in the U.S., affects the social, financial, and political framework of American society by directing and/or becoming involved in lubor racksteering, corruption of public officials, illegal infaltration of legitiante business, loumsharking, illegal gambling, and gangland slayings. There are few businesses or industrial sectors in American society that are not affected by organized crime groups.

Recent investigations focusing on the criminal activities of the 25 LCN families have developed information which reinforces earlier information which had indicated that many of the unions within the United States are being influenced or directed in an illegal manner by the LCN. The evidence presented in those cames has demonstrated that the LCN's not directed in labor unions allows for the disruption of the competitive free market in various industries such as concrete, construction, trucking, and the air freight industry.

The recent successes against the LCN can be attributed to the evolution of the Enterprise Theory of Investigation. This approach requires that separate investigations conducted against individual members of a specific group or family be combined for prosecution, using both the civil and criminal provisions of RICO. Under this approach, the group or family is named as the enterprise. Convictions on this basis result not only in significant periods of incercention, but provide for the seizure of essats accumulated by the enterprise through its illegal activity and a potential prohibition against the members of the enterprise associating with corrupted labor unions, infiltrated businesses, compromised institutions, or even with other members.

Organized crime investigations require numerous techniques which have proven to be resource intensive. To penetrate close knit, secretive organizations, such as the LCN, the FBI employs a variety of sophisticated investigative techniques, including court-ordered electronic intercepts long-term undercover operations; extensive physical surveillance, including the use of aircraft; high echelon, quality informant coverage; and cooperating witnesses. In addition, the FBI's Organized Crime Program complements its investigative efforts and maximizes its investigative resources by providing Headquarters and field locations with computer based capabilities wis OCIS ocis personnel assist in the collection, collation, analysis, and dissemination of investigative information relative to organized crime protein ocis, particular emphasis is placed upon link analysis of relationships which exist between or among organized crime groups, and/or between corrupt organizations and union officials, business leaders or public officials.

Within this program is the Investigative Support Section, which provides for the coordination of all criminal informant operations, witness security, aircraft support, undercover operations, Special Operations Groups/Off-Premise Sites (SOG/OBS), as well as a myriad of administrative activities that support all FBI Investigative programs. Agundase sponsoring potential applicants for the U.S. Marshal Service's Witness Socurity Program are required to provide resources relative to the protection of the witness, and/or the witness's immediate family, prior to their acceptance into the program. Aircraft surveillance enables discreed contact with a moving target even though the target is using evesive maneuvers to eluce surveillance. The aircraft is in a position to recognize event hough the target is using evesive context of the tradicion. The undercover toonnique has opened evenues of investigative pursuit not available in the context of the tradicional investigative process. Undercover agents have the ability, in certain situations, to penetrate the highest levels of criminal activity, thus permitting more effective and safer use of sources and informants to information obtained from the undercover operative may preclude the necessity for sources and trastify in court. SOG/OPS give the PBI thu ability to affectively support the integrated functions of tactical mobility, undercover operations, sensitive and complex Title-III electronic surveillance installations, and the tracking of extremely sensitive and surveillance consciunce subjects.

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Accomplishments and Workload: The statistical accomplishments and workload estimatus for the Organized Crimu Program are presented in the following table:

			. 1	٠
Item	1987	1288	1989	1990
Investigative Matters: *				
Pending Beginning of Year as	3.411	3.017	2.610	2 610
Received During Year	9,115	6.117	900	000
3	9.661	6.524	908	000
Pending End of Year ##	2.865	2.610	2,610	2014
Informant Matters +**	2.620	100.0		
Title IIIs:				7,000
Initiated	9	06	9	9
Extended	80	101	101	<u></u>
Informations and Indictments	760	808	4	
Convictions and Pre-trial Diversions	789	069	9	9
Fines (\$000)	\$6,449	58,445	88.44.5	88.445
Recoveries and Restitutions (\$000)	\$2,730	812,200	812.200	\$12.200
Potential Economic loss Prevented (\$000)	\$9,318	\$31,974	\$31,974	\$31,974

* - Investigative Matters do not include informant matters.

** - The difference between investigative matters pending at the end of 1987 and the beginning of 1988 reflect the transfer of investigative responsibility for labor matters from the White-Collar Crime program to that of the Organized Crime program.

*** - Beginning in 1988, a clussification was established within the Uruqs program to record informant matters associated the informant grant informant matters supporting drug investigations were captured within the the informant classification of the Organized Crime program. The data during 1989 and 1990 for organized crime informant matters reflects the removal of those informants supporting drug investigations.

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ates the type of criminal activity for which convictions were obtained during 1987 and 1988, includi	re obtained during 1987	and 1988, including
atives in civil Rico matters:	1987	1988
Corruption	99	3
Illegal gambling	191	164
Labor racketenring	<b>79</b>	71
Loansharking	5.8	45
Other violations	300	293
Total Convictions	67.5	7.7
Labor-Civil RICO complaints	Not Available	r.
Civil Rico judgements	Not Available	701

In addition, the following are specific case examples of the types of investigations being conducted by the Organized Crime program:

In December 1987, a United States-Japanese conference was held in Hawaii to review the extent of the Asian criminal activity problem. At the conference the PBI formally entered into an agreement with the Japanese National Police Agency (MPA) satablishing for the first time, an PBI/MPA working group to exchange intelligence information on organized crime, to conduct joint organized crime, and the working group to exchange intelligence included the establishment of the basis for joint investigations, the setting of groundwork for the timely exchange of criminal investigative information—to include the establishment of direct communications between the Organized Crime Section at PBI Headquarters and the MPA's Organized Crime Control Office, and the continuation of training programs on matters of mutual interest.

In January 1988, an indictment was returned in the Eastern District of Pennsylvania charging 19 members of the Philadelphia LCN Family With racketeoring. Those charged included boss Nicodamo Scarfo, underboss Philip Luonetti, and former underboss Salvatore Mariino, 3 capos, and 13 members. The predicute offundes include numerous murders and attempted aurders, extortion, loansharking, illegal gambling, collection of unlawful debts, and distribution of methamphetamine.

In Pebruary 1988, the Supreme Court of the State of Pennsylvania removed eight Philadelphia judges from the bench for accepting hundreds of dollars in cash from the Roofers Union. A two-year investigation predicated on allegations of criminal activities being conducted by officers and members of Roofers Union Local 30 in Philadelphia resulted in one Common Pleas Court judge, one thiladelphia Police officer, one Pederal Government employee, one former city court employee, and thiteen Roofers Local 30 union members having been convicted. The investigation determined that the business manager of Roofers Local 30 collected debts by extortionate means for the Philadelphia LCM Pamily. In addition, kickbooks were received by the business manager from the law firm handling the Roofers Local 30 Employee Benufit Plans with these illegal funds being utilized to bribe various local, Pederal, and state officials.

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On June 28, 1988, a civil RICO complaint was filed naming 26 LCN members and associates and the LCN Commission as defendants. Additional defendants include the International Brotherhood of Teamsters (IBF), the IBF General Executive Board (BRB), and all 18 GRB officers. The purpose of the action is to eliminate LCN control of the IBF by ordering LCN members and associates to have no further dealings with the IBF and to remove from office any IBF officers found at trial to have committed violations of Pederal racksteering laws. To date, 14 LCN members have either filed or indicated a desire to file consent agreements.

On September 22, 1988, Federal grand jury indictments were returned in Chicago, Illinois, and San Diego, California, and unsealed in Allanta, Georgia; Baltimore, Maryland; and San Francisco, California, charging Angelo Thomas Commito as well as approximately nine other individuals and five ocroporations in a nationide scheme to defraud the health care industry. This investigation involved 16 FBI field offices, the implementation of mundercover operation, and extensive court-ordered electronic surveillances conducted by eight FBI field offices. Forfeiture proceedings are underway seeking in excess of \$340,000 in cash as well as a building appraised at \$2.3 million.

Decrease	Pos. MY Anount
Creaso/	XH :
Perm.	1,367 1,349 \$91,319
1990 Base*	Pos. MY Amount 1,367 1,349 \$91,319
1990	7, 3, 3, E
Per	1,36
Snacted	2,004 1,867 \$129,273
Perm.	1,8E
Perm.	2,004
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*Beginning in 1990, revources for the Organized Crime Drug Enforcement component of the Drugs program are proposed to be transferred to the Organized Crime Drug Enforcement Appropriation pursuant to the Section loss of the Anti-Drug Abuse Act of 1988.

<u>Long Runge Goll: To reduce the incidence of illegal drug trafficking and other criminal activity which drug trafficking generates in American society through investigations conducted on a systematic, cuordinated, and sustained busis.</u>

r u <u>Maior Objectives:</u> To conduct offuctive, coordinated investigations against major drug trafficking organizations on nationwide basis with the ultimate objective of neutralizing networks involved in the distribution of illegal drugs seizing their illegal profits through forfeiture proceedings.

To accelerate the further implementation of the PBI's National Drug Strategy which focuses resources on drug trufficking organizations operating at the fational and international level.

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To expand and enhance the intelligence base on domestic and international drug trafficking organizations and their financial support structure.

To provide assistance to other Federal, state, and local law enforcement agencies relative to investigations of high-level drug traffloking organisations operating in a local or regional area of the country.

## Base Program Descriptions

The FUI conducted a comprehensive review of the drug trafficking problem facing the United States, and in 1986 adopted a National Drug Strategy, which sets torth objectives for the FBI in drug law enforcement. Briefly stated, the FBI's goal is to more olderly focus investigative resources on those organized trafficking groups controlling significant segments of the illegal drug importation and distribution markets. Investigations are directed at the following drug trafficking groups: Colombian/Bouth American; Maxican; European; Asian; and other significant multi-jurisdictional organizations/emerging groups.

Cocaine has been identified as the primary drug problem facing the United States. Colombian/South American traffickers control the importation and distribution of this drug. The FBI's intolligence base has identified over 250 Colombian/South American drug trafficking organizations operating in the United States. These groups have expanded their operations from southern Florida throughout the southers and the Guif States. Corruption, marker, money laundering, and other crimes accompany the drug-trafficking violations. In 1988, the wholesale price of one Kilogram of cocaine was near an all-time low in Miami, Florida, even though there have been record seizures by law enforcement. As the price of cocaine decreases, use of the drug in this country has surged upward by 133 percent. According to National Narcotics Intelligence Consumer Committed data, from 1982 to 1985, consumption has increased so dramatically as to exceed a yearly consumption rate of more than 72 motric tons, according to most recent surveys available. There is no present indication of this trend abating.

The Moxican drug-traffloking organizations are responsible for importation and distribution of brown and black tar heroin, cocaine, and marijuana. In addition to the production and importation of heroin, the Moxican groups are transshipping increasing amounts of South American cocaine to the United States. The southwestern United States border area is long and vulnerable, compounding the drug-trafficking problem those groups pose. Their activities, once concentrated in the southwest and western United States, have now sprund across the United States. The FBI has transsorred additional agents to the southwestern United States to states. The FBI has such groups account for 39 percent of all harotics intolliquee Communer Committee statistics for 1987 showing that such groups account for 39 percent of all harotics intolliquee Committee atalistics for 1987 showing that dating back to 1984 demonstration a gradually yet continuous increase in the availability of Moxican heroin in the United States and an increase in purity levels reaching as high as 90 percent. An intensive, aggreeste in prestigative posture is unquestionably required to stum the drug flow and to counter viruly the groups responsible.

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European drug trafficking activity has been traditionally associated with cities located in the northeastern United States. The PBI's intelligence hase has determined that these organizations have become more geographically diverse. The Sidilian Maria is now active in drug trafficking in numerous cities throughout the United States. They are primarily responsible for importation of southwest Asian heroin. Based on heroin and morphine trafficking indicators for 1987, the last year for which the Marional Narcotics Intelligence Consumer Committee published drug "signature" figures, southwest activities of these groups are other attendant crimes such as corruption, money laundering, and murder. The Sidilian Maria in the United States is tied directly to the Maria in Sidily and is highly factionalized. There are over 45 associated groups in Palermo, Sidily, Most of these factions are represented in the United States. Through investigation of the Sidilian Maria, the FBI has uncovered an extensive complicational factor are over 45 with other Italian drug frafficking groups: the Wibrangeta and La Cambria. The PBI stationally fully these groups and their foreign and demestic contacts and to use this intelligence to support long-term personnel intensive investigations of these major drug enterprises.

The Asian groups are rapidly emerging criminal organizations involved in drug trafficking and other related crimes. Recent cames have established their activity in a number of major cities throughout the country. Expansion of the investigative effort and intalligance base is necessary to address these groups. Due to close knit traditions of Asian groups, panetration and successful investigation of these drug trafficking networks are expected to require full use of Title III, undercover, and surveillance techniques. Asian groups represent 20 percent of the heroin market in the United States.

Emerging gangs, such as the Los Angeles baged "Bloods" and "Crips", have become multikilogram entrepreneurs who deal directly with major Colombian and Maxican drug trafficking organizations as their source of supply for crack/cocaine. The Jamaican "Posse" has also emerged as a major drug trafficking organization. Nationwide, the PBI is addressing these aspects of the gang-related drug problems.

Other major, significant, multi-jurisdictional drug trafficking organizations are also a major crime problem in the United States. Although these groups may not be involved in the direct importation of drugs, they may be the dominint trafficking organization in a geographic region. The threat they pose, combined with the inability of many local law enforcement agencies to conduct sustained multi-jurisdictional investigations, is a prime factor in FBI involvement on case by-case basis. In some instances, corruption of local officials has precluded effective local investigation of these organizations.

In 1990, the PBI will transferred 414 agent, 223 support workyeurs/positions and \$51,589,000 to the Organized Crime Drug Enforcement Appropriation as set forth in Section 1055 of the Anti-Drug Abuse Act of 1988 that requires all Organized Crime Drug Enforcement resources be merged into one appropriation Theresiter, resources will be provided to the PBI on a relaburable basis.

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With the enactment of the Anti-Drug Abuse Act of 1988, the FBI received a 1989 supplemental increase of an additional 120 agent, 159 support positions, 142 workyears and \$15,000,000. The 1990 base level annualization of the supplemental resources provided by the Anti-Drug Abuse Act of 1988, consists of 119 workyears; The additional workyears usual be allocated as agents (59 workyears), general aupport (39 workyears), Intelligence Research Specialists (4 workyears), Investigative Assistants (7 workyears), and non-agent pilots (10 workyears). These additional agent and support the organisations are necessary to address the anost sophisticated trafficking groups Gominaling the Illicit drug market in the United States. The additional 59 agent workyears will target Colombian/South American (10 workyears), and European (17 workyears) drug trafficking organizations. Additionally, these resources would continue to support the aggressive seizure and Assistant Salzure Teams (1887), based in areas of concentrated drug trafficking. The PBI Drugs program emphasis has been on conducting long-term, sustained invasingations, which are increasingly personnel intensive. Use of electronical and drug intelligence base has placed an extraordinary demands on the technical and drug intelligence handling capabilities of the PBI. If the PBI is to effectively address drug conspiracies, which the President by Executive Order Number 221 declared a "threat to national security," the FBI's Mational Drug Strategy initiative must be appropriately expanded through the annualization of 1989 supplemental resources.

The following table illustrates the number of major drug trafficking organizations which have been identified by the FBI and the additional groups which can be addressed with the base level of agent personnel.

# DRUG GROUPS TARGETED COMPARED TO OVERALL DRUG AGENT RESOURCES AVAILABLE

GROUP	NUMBER OF NUMBER OF PERCENT OF GROUPS GROUPS IDENTIFIED GROUPS TARGETED THAT ARE ABLE TO	NUMBER OF GROUPS TARGETED	PERCENT OF GROUPS IDENTIFIED THAT ARE ABLE TO BE TARGETED	FUNDED AGEN
Colombian/South American Mexicans European Total	250 96 111 457	140 82 243 243	568 138	405 162 220 787

The additional resources provided by the Anti-Drug Act of 1988 will permit the FBI to target an increased number of the known major drug trafficking organizations. It is anticipated that a majority of the 457 major groups will be under investigation in 1990 assuming annualization of the drug bill.

Accomplishments and Workload:

Agency 1

Estimated accomplishments in Drugs program investigations from 1987 to 1990 are set forth below:

<b>3</b> 1	1987	1988	1989	Estimates 1990
Investigative Matters:				
Drug (Non-ocDETF): Pending Beginning of Year Received During Year Completed During Year Remaining End of Year	2,60 6,90 6,99 6,99 6,94	2,727 8,508 6,736 4,499	3,000 2,000 5,000	2,000 7,000 7,000
Title IIIs Used (Non-OCDETF only)**	19	101	110	120
Informations and Indictments (Non-OCDETF only) Convictions/Pre-trial Diversions (Non-OCDETF) Seizures subject to Forfeiture (\$000) Forfeited (Non-OCDETF) (\$000)	1,325 1,092 \$23,139 \$20,077	1,456 881 \$41,872 \$22,270	1,700 1,200 \$50,000 \$27,500	1,700 1,625 \$65,000 \$43,000
OCDETY Drug (OCDETY): Pending Beginning of Year Received During Year Completed During Year Remaining End of Year	1,152	1,171 2,437 2,308 1,300	1,100 2,300 2,200 1,200	1,100 2,300 2,200 1,200
Title IIIs Used (OCDETF only) **	61	69	06	001
Informations and Indictments (OCDETP only) Convictions/Pre-trial Diversions(OCDETF only) Sclaures subject to Forfeiture (\$000) Forfeited (OCDETP only) (\$000)	2,092 1,779 \$38,561 \$14,873	2,241 1,362 \$71,566 \$18,532	2,550 1,800 \$75,000 \$22,500	2,550 2,500 \$85,000 \$32,000

* During 1988, a separate classification was established to record informant matters rolated to the Drugs program, which in previous years were included within the Organized Crime Program's informant classification. The significant difference between non-Occupin matters received and pending between 1987 and 1988 reflects the inclusion of the drug informant classification.

The accomplishments projected for 1989 and 1990 show a leveling trend with the exception of Title III's, seizures and forfeitures. This should be expected. When the FBI first received Title 21 jurisdiction in 1982, it had a limited drug intelligence base. Therefore, the intilal investigative responsibilities. These investigations added organizations to describe the intelligence base and an understanding of trug trafficing patterns; consequently, increasingly more complex drug trafficking organizations were investigated. This was also a time of rapid expansion of resources for the FBI tongs program. Based on this enhanced intelligence base and experience, the FBI formulated its Mational Drug Strategy in 1986. These higher impact cases have necessitated the increased use of sophisticated for grafficking organizations. These higher impact cases have necessitated the increased use of sophisticated of drug trafficking organizations. These higher impact cases have necessitated the increased use of sophisticated of any organizations are resource intensive, but the results are commented by the neutralization of the highest lowel of drug trafficking organizations and the saisure and forfeitures of their assets. As the National Drug Strategy approaches full implementation, fewer net invastigative matters are anticipated, but there has been a quantum increase in approaches full impact of for the same reasons as given abover that is, more complex and convictions pre-trial diversions are anticipated to level of for the same reasons as given abover that is, more complex and increase in allocations that result in the largest possible impact on the highest level organizations. In summary, the leveling shown is an indication of the part for these of a forganizations are resource will be absorbed into these olpsely focused, complex drug trafficking organizations. Incremental increases in resource will be absorbed into these olpsely indications. Incremental increases in resource will be a level or the same resource increased or t

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The following are included as examples of the types of significant drug investigations conducted by the PBI during 1988: A member of the Sicilian Mafia was involved in establishing a large-scale cocainc operation in Miami. A fugitive Sicilian Mafia member, residing in Santo Domingo, was identified and extradited by Italy. Also, identified was a diplomat stationed in London, England, who transported heroin through the diplomatic pouch. To date, 64 subjects have been arrested in the mited States and 20 have been arrested in Italy. Additionally, there have been significant seizures of property.

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Operation "White Mare" was an undercover operation directed against an organization importing Asian heroin.

Accomplishments to date include: five separate heroin importation groups identified, four of which are involved in heroin shipments ranging from 75 to 450 pounds. One of these groups is linked directly to the SHAN United Army (Thailand Rebel Army of Kun 860, the mejor heroin-trafficking organization in the world). One cocaine trafficking group has been identified. Subjects have been identified in Detroit, Buffalo, Toronto, Chicago, Calgary, Vencouver, New York, and Hong Kong. Tan subjects have been arrested and eleven and one-half pounds of heroin and twenty-four kilograms of cocaine have been seised. Court-authorized electronic aurveillances and consensual recordings (calephonic and countelephonic) have also been utilized. This case involved the efforts of up to 100 law enforcement personnel in five countries.

A historical conspiracy investigation between 1984 and 1987 was directed against an organization which trafficked in aircraft loads of cocaine and marijuana from Jamaica to the United States. Approximately 15 individuals in this organization had been previously convicted in state court for drug violations. The investigation focused on the seizure and forfeiture of been properties used to facilitate the transportation and distribution of cocaine and marijuana shipments. On September 15, 1988, \$13 million worth of real property in the Fort Flerce, Florida, area, consisting of 13,416 acres of ranchland, were seized.

The STARBANK investigation commenced approximately one year ago as a spin-off casu from an PBI investigation entitled SANDSHARK which addressed the importation and distribution of occaine and marijuana into the United States through Panama. On Pobruary 4, 1988, Caneral Antonio Manuel Noriega, Panama's had of Defanse Porces, and a prominent Panamanian businessman, Errique Pretelt, were indicated by a Pederal grand jury in the Middle District of Plurida for Pederal drug violations charging them with accepting money to facilitate the shipment of 400,000 pounds of marijuana into the United Stutes. The PBI case was aided by a cooperating defendant who, once incriminated in a drug conspiracy, pleaded guilty to Pederal charges. He nevertheless faces a 20-year jail term and \$2.8 million in fines.

The following are OCDE accomplishments of 1988. Over the past two years, the PBI has directed an international investigation focused on heroin importation and distribution by Italian drug trafficking groups and their criminal associates in the United States and Italy. The PBI and Italian law enforcement authorities revealed a scheme whereby these latalian drug traffickors and the past in the routine and rarrupted importation and distribution of heroin from Southeast Asia through Italy and Sicily into the United States. This long-term and complex investigation, which addressed heroin trafficking in New York, Pennsylvania, New Jersey, North Carolina, Florida, Ohio, Texas and Waminfington, D.C., employed 19 court-ordered electronic survoillances. Approximately 200 high-level Italian traffickers have been charged with drug trafficking violations, both in the United States and Italy. The New York Field office seized 11 kilograms of heroin, approximately \$57,000 cash, 10 vchicles, four art pieces valued at \$760,000, assorted expensive jewelry, numerous valuable fur coats, 11 handguns, 17 rifles and shotguns, and one hand grenade.

During the past year, the FBI led a joint investigation with support from DRA, the Internal Revenue Service, and the Virginia State Police, into a large cocaine and heroin trafficking network of Washington area Sicilian Mafia associates. The case involved a sophisticated undercover operation and extensive use of court-authorised electronic surveillances. This investigation olearly linked Sicilian Mafia traffickers and their close associates with Colombian drug traffickers in the distribution of large amounts of cocaine in the United States. This case resulted in the seisure of 11 kilograms of cocaine and the indictment and conviction of 25 defendants.

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In April 1988, the FBI's Portland Field Office executed search and arrest warrants during the course of a joint FBI, Imagration and Naturalisation Service and United States Customs Service investigation of a Mexican drug trafficking organization headed by Educato Espinoza Elens. Eight individuals were arrested, and 25 kilos of cocaine, three pounds of black-tar heroin, and numerous automobiles and Weapons were seized. The drug seizures were the largest ever in Oregon, and this organization is believed to be one of the most significant in that state.

The PBI recently concluded an investigation codenamed BAMBOO DRAGON, a two-year undercover case directed at an international Chinese heroin importation network which obtained its heroin directly from Hong Kong. This drug cartel had worlduide distribution routes rediating out to the United States, Japan, Talwan, Korea, Australia, and Burope. Within the United States, this group supplied the cities of New York City, Philadelphia, San Francisco, and Washington, D.C. In April 1988, this long-term, complex investigation culminated with simultaneous arrests in Hong Kong and the United States. Eleven subjects were arrested in Hong Kong, and 88 pounds of heroin were seized. In the United States subjects were arrested in Newark, New Jersey, and 22 pounds of heroin were seized. Two subjects were arrested in San Francisco and 45 pounds of heroin were seized. Two subjects were arrested in Chacon and Francisco and 45 pounds of heroin were seized. Two subjects were arrested in Chacon, C. The Bureau of Alcohol, Tobacco and Firearms, assisting in this case, arrested six individuals in New York, and recovered 50 machine guns.

The PBI is conducting a joint investigation in New York City, codenamed HORBECOLIAR, with DEA and the New York City
Police Department, which is directed at black heroin and cocaine traffickers. Rucently, 23 search warrants were executed
and 19 subjects were arrested. Over 200 law enforcement personnel were involved in this operation. Real property,
including residences and businesses, were seized pursuant to the forfeiture provisions of the Controlled Substances Act.
HORSECOLLAR is a pending investigation and further arrests, seizures and prosecutions are anticipated.

An Undercover Operation (UCO) called CAT-COM was directed against Colombian drug trafficking organizations operating in the United States. This long-term, sustained organizational based investigation neutralised seven drug trafficking organizations. The 12 month UCO resulted in the indictment of 93 individuals, science of 11,000 pounds of cocaine, 211,000 pounds of marijuans, and over \$1 million in cash. The investigative objective of penetrating the entire structure of the networks was accomplished through detailed and meticulous planning. In the course of the UCO, the traffickers identified themselves as representatives of pablo Escabar and other major "Medellin Castel" leadures. This investigation was international in scope and used numerous innovative ploys to sustain and maximize the investigation.

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Increase/Decrease	Pos. MX Amount	:
1990 Estimat	Pos. WX Amount	5 2,954 \$19
1990 Base	, Pos. MX Amount	2,954 \$196,6
2	188	3,046
a Enacted	Pos. MX Amount	4 \$195,538
1989	Post	3,046 2,95
	White-Collar	Crime

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Long-Range Goal: To reduce losses in Government programs and private sector businesses from corruption, fraud, and embezzlements; and to provide investigative assistance to the Department of Justice, including United States Attorneys throughout the United States, in civil and antitrust matters.

#### Major Objectives:

To identify, investigate, and obtain prosecution in: major fraud against the Government cases involving illegal practices by officials and officers of firms doing business with or for the Federal Government; Federal violations involving systematic corruption by Federal; state, and local public officials, as well as private citizens acting in complicity with corrupt public officials; Federal fraud, bribery, and embezzlement violations, particularly those that result in the financial institution's failure or marger in lieu of failure; Federal fraud violations committed by officers, directors, and major stockholders of financial institutions; and Federal fraud violations committed by major companies involved in the illegal disposal of toxic waste.

To establish new and innovative means of collecting and collating White-Collar Crime program data from multiple sources in order to identify high impact white-collar criminal organizations for subsequent investigations.

To support the Antitrust Division of the Department of Justice in the enforcement of antitrust statutes in high-impact cases by conducting the necessary investigations.

To support the Civil Division of the Department of Justice and United States Attorneys throughout the country in representing significant Government interests in civil matters.

To identify, investigate, and obtain criminal prosecution under recent Pederal statutes concerning significant trademark counterfeiting, computer fraud, and bankruptcy fraud.

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To support and actively participate in the efforts of the President's Council on Integrity and Efficiency, the Attorney General's Economic Crime Council, and the Interagency Bank Fraud Enforcement Working Group to coordinate a unified attack on high impact white-coller crime.

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To insure that White-Collar Crime program management provides sufficient coordination, direction, and resources to enable: the PBI to address all priority investigations. To assist other Pederal, state, local, and foreign law enforcement and regulatory agencies in making a coordinated and effective attack on white-collar crime.

To plan and implement undercover operations directed against the subjects of aignificant white-coller orime investigations. To recruit, direct, and maintain white-collar crime informants and confidential sources and enhance liaison with professional associations and private businesses in order to maintain an adequate intelligence base concerning white-collar crime matters within the investigative jurisdiction of the PBI.

To promote the utilization of electronic aurveillance investigative techniques in white-collar crime investigations.

Base Program Description: White-coller crime is defined as those illegal acts which are characterized by deceit, concealment, or violation of trust and which are not dependent upon the application or threat of physical force or violence. Such acts are committed by individuals and organizations to obtain money, property, or services, to avoid the payment or loss of money or services, or to secure personal or business advantage.

The Department of Justice has identified and ranked priority areas regarding white-collar orime. These are: crimes against Pederal, state, or local governments by public officials and private individuals; crimes against businesses, consumers, investors, and employees; and crimes affecting the health and safety of the general public.

In response to the above, the PBI established three major priorities within the White-Collar Crime program. They are: (1) fraud against the Government matters involving United States Government officials (and/or losses exceeding \$25,000), bribery and other public corruption involving Pederal officials (Government Fraud); (2) Federal, state, and local public corruption); and (1) financial crimes.

ACCOMDISHMENTS and Morkload: Accomplishments of the White-Coller Crime program unit are presented in the following table, and narrative:

Estimated	**0661	21.028	000.08	50.430	29,598	4,4 068 868	\$ 29,013	\$753,360	\$247,150 \$ 34,100	\$31,750 \$20,100
	1982	21.865	49,593	50.430	21,028	4,353	\$56,753 \$638,381	\$818,915	\$247,150	\$31,750 \$20,100
	1988*	22,702	49,593	50,430	21,865	4,569	\$29,791 \$600,866	\$773,570	\$247,150 \$ 34,100	\$31,750 \$20,100
	1987	22,684	46,095	46,077	22,702	*BD: 4,443	\$30,119 \$64,339	\$1,058,594(2)	\$78,482 \$ 3,578	\$30,256 ' \$15,272
	1. INVESTIGATIVE MATTERS:	Beginning	Received	Resolved	Kenaining	2. JUDICIAL PROCESSES INITIATED: Convictions Pretrial Diversions	Fines (\$000) Recoveries (\$000)(1) Potential Renowie Loss	Prevented (PRLP) (\$000) \$1,058,594(2)	Claims Against the Government (\$000) Filed Settled	Cialms Dy the Government (\$000) Filed Settled
	~					N			<b>છ</b> (	: ن

Includes recoveries and restitutions.
 This figure rose dramatically due to a New York Securities Fraud Task Force and a major New York PELP claim in an ongoing Interstate Transportation of Stolen Property case.

* Workload/accomplishments for investigative matters in 1988 are based upon an everutilization of funded recourses. For 1989 and 1990, the workload estimates are based upon lunded lavels.

** The number of cases received will steadily increase, but the number of cases resolved will not decrease and the number remaining increase at the end of the year.

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Explanation: The workload within the White-Collar Crime program cannot be properly examined by considering only the number of investigative matters addressed by the PBI in a given year. PBI managers, over the past several years, have qualifatively examined White-Collar Crime program investigative matters for several trime expended on defined priority matters while reducing the number of non-priority investigative matters. The percent of agent time expended on priority matters increased from 85 percent in 1982 to 96 percent in 1988. Many nonpriority White-Collar Crime program matters increased from 85 percent in 1982 to 96 percent in 1988. Nany nonpriority white-Collar Crime program matters increased to the PBI are not investigative are as to the expected increase in investigative matters set forth in the above table represents quality cases, most of which are complex, long-cerm, and personnel intensive, and are categorized in the following investigative areas: Department of Defense governmental fraud, bank fraud and embessiement, public corruption, election law, fraud by wire, and other

It should be noted that all White-Collar Crime program investigations had an estimated cost of \$176,770,000 (includes all personnel and nonpersonnel costs) during 1988. During this same time, fines, recoveries and restitutions in this program totaled \$610,657,000. Thus, for every dollar of cost, 3.6 dollars were returned to the United States Tressury, yielding the Pederal Government a potential enhancement of \$453,887,000.

In a major investigation of allegations of corruption, code named ILLMIND, approximately 200 subjects have been identified as involved in various schemes in DOD teapons procurement process, to defraud the United States Government through bribery and other means to corrupt the procurement process. Indictments are anticipated starting in mid-December 1988, and continuing throughout the entire investigation.

In the TMIMBLE investigation, 27 individuals and corporations have been indicted and have pleaded guilty or have been convicted as of August 1988, for violations of Federal racketesting, wire fraud, mail fraud, and false statements to the Government; 12 other individuals and corporations are expected to be indicted by early 1989, and Antitrust violations have been included. This investigation exposed high level bribery and corruption at the Defense Personnel Support Center in Philadelphia, Pennsylvania.

August 1988, in a major Detroit undercover project focusing on judicial corruption, there have been a total of convictions to include one state court judge and a Wayne County, Michigan prosecutor. A Detroit recorders court, a 36th District Court Judge, and a Detroit, Michigan, Police Department Scrgeant are under indictment avaiting at this time. The investigation continues and additional indictments of additional local judges are expected. As of Augueight convitudge, a 3 trial at t

A two-year undercover operation in Mississippi resulted in 71 subjects, including 55 county supervisors, being charged with Hobbs Act, mail fraud, and conspiracy following indicteents stemming from extensive klokback schames related to state procurement of goods and services. Fifty-four subjects have pleaded guilty and seven were convicted at jury trials as of September 1988.

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Ten municipal highway superintendents and/or purchasing agents in New Jersey have been convicted in the STREKTSWEEFER undercover operation as of December 1988. This matters was coordinated closely with the DOUBLE STREKL undercover operation involving annicipal highway superintendents and/or purchasing agents participating in kickback schemes. There nave been 52 convictions to date in the DOUBLE STREK operation. More indictments in STREKTSWEEFER are expected.

As a result of an investigation into alleged insider fraud which contributed to the failures of 6 banks in the Midland/Odessa, Texas, area, 22 subjects have been convicted, of which 17 were "insiders" and five were customers. Additional prosecutions are anticipated as a result of this ongoing investigation.

As of December 1988, 104 individuals have been convicted as a result of a four-year investigation into an extensive scheme to defraud five federally insured savings and loan associations in connection with the financing of land purchases and related condominium developments in Dallas, Texas. Losses as a result of criminal activities are approximated at \$750 million.

In August 1987 the Thrifton Task Force was established in Dallas, Toxas, to address the burgeoning problem of fraud within the Savings and Loan industry in Texas. Currently the task force has received criminal referrals relating to 23 thrift institutions and approximately 300 individuals. The collective amount of fraud involved is estimated at \$10.5 billion. To date, 23 indictments have been returned and 13 convictions obtained.

A Joint Pinancial Crimes Task Force, consisting of FBI special agents, U.S. Secret Service agents, and New York City bolice officers, was formed in New York, the securities center of the country, in October 1984. From its inception through June 1988, the Joint Financial Crimus Task Force has been responsible for 77 arrests, 89 indictments and complaints, 76 convictions, and \$138 million in recoveries.

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#### Federal Bureau of Investigation Salaries and expenses Justification of Program and Performance

Activity Resource Summery (Dollars in thousands)

	19	89 As Ena	cted	19	1990 Base	,	199	1990 Estimate	-	Inck	ease/D	SCrease
Support	Pera.	盆	Perm. Pos. MY Amount	Port.	Ħ	Amount	Peri.	Ħ	Amount	Peri.	翼	Perm. Ros. MY Amount
Training.	381	370 313	\$25,549 21,560	357	370 313	\$26,399 22,876	381	370 313	\$26,399 22,876	::	::	::
Telecomunications Records Management	516	1,107	118,853	516 504 1,148 1,107		138,065	1,019	524 978	144,696	-129	-129	\$6,631
Equipment	757	4		757		29,567	77	780	64,920	57 28	2	5,353
Total 2,523	. 2,523	2,445	257,496	2,523	2,445	294,216	2,491	2,365	305,106	-32	-80	10,890
Investigative support for FBI programs is provided through training, forensic laboratory examinations and research, of investigative and administrative records, automatic data processing and telecommunciations management and mainted feel annotes and eminement annotes.	rograms	is provide ords, aut	ed through	training process	forens	ic laborat telecommun	ory exami	nations a managemen	nd research, t and mainte		ent ma	efficient management vance, and technical

as/Decrease	Pos. WY Amount	:
Crea	Li	•
7	2 2	:
1990 Estimate	Pos. WX Amount	\$26,399
90 Beti	ă	370
61	Pos	381
986	Pos. WY Amount	381 370 \$26,399 381 370
990 B	걸	370
	Bo	381
Enacted	Pos. MY Amount	\$25,549
84.2	걸	37,0
100	Pos	361
,		Training

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Long-Range Goal: To develop and improve the invastigative, managerial, and technical capabilities of FBI Special Agents and support personnel through research, education, and training to insure that they are prepared to carry out their responsibilities in an efficient and effective manner and in compliance with the law and Government regulations.

#### Major Objectives:

To provide the highest level of training services for new agents to insure that their knowledge and skills are developed to enable them to discharge their complex responsibilities in a professional manner at the outset of their careers.

To afford advanced professional training and investigative support at the FBI Academy and in the field for special agents and support personnel, enabling them to carry out their responsibilities in an efficient, professional, and effective manner.

To improve the ability of mid-level and upper level FBI executives to more effectively carry out their increasingly complicated responsibilities, and provide for job enrichment and career development opportunities for support personnel through educational and training programs at the FBI Academy and in the field.

To conduct necessary research and provide evaluative, investigative, and operational assistance to FBI field and headquarters units in areas where FBI Academy personnel have specialized expertise.

To enhance PBI/DEA investigative operations through the continued collocation of PBI and DEA Basic Agent training at the PBI Academy.

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To maintain and improve the land, buildings, equipment, furnishings, and fixtures which make up the FBI Academy complex in a manner consistent with and conducive to an effective, efficient, safe, and healthy learning, and living environment.

To provide firearms and related equipment to field special agents to insure that they are better prepared thun today's criminal element and, at the same time, to insure the satety of field special agents when conducting investigutions.

Base Program Dascription: New Agents Training Program: After being accepted as a special agent trainee, the period of instruction at the PBI Academy encompasses, but is not limited to, the following major topics over a 12-week, 3-day period: substantive statutory violations, national security matters, basic law enforcement and foremals of skills, behavioral science, legal instruction; communications, field office administration, firearms, arrest techniques, physical fitness, professional conduct, and ethics. Newly acquired skills in these areas are applied in various practica.

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Advanced Professional Training and Direct Field Support Programs: special agents are periodically brought back to the FBI Academy for instruction in specialized areas based upon the investigative needs and priorities of the FBI. Specialized training and direct field support are also provided by FBI Academy instructors and FBI Hadquarters' preconnel in field offices if this method is more cost-effective or responds to the particular need of a specific field office.

Research, Faculty Development, and Linison: Currently, a limited number of FBI Academy faculty members and field instructors are pursuing graduate study in job-related areas at various colleges and universities when instructional and investigative duties permit. In addition, ongoing faculty exchange programs exist between FBI Academy personnel and the Australian, British, and Canadian Police Colleges. FBI Academy instructors attend symposia, seminars and schools and participate in other relevant educational experiences when possible. The faculty also maintains liaison with selected foreign law enforcement agencies and several foreign and United States military counterterrorist units for exchange of training information and equipment.

Maintenance and Improvement of Physical Plant: Employeos assigned to eight maintenance and craft shops perform the required maintenance for the following: 185 acres; 24 major buildings; 23 fully-equipped classrooms; 15 training, storage, and utility structures, and the six FBI firearms ranges, all of which make up the FBI Academy training complex.

Accomplishments and Morkload: The FBI Academy will have an optimum annual capacity of approximately 212,000 student training days with the opening of the FBI Academy had an optimum annual capacity of 150,000 student training days. In 1988 this optimum capacity was exceeded by 13,247 student training days; consequently, students were lodged in off-site facilities. During 1988, of the 163,247 student training days; consequently, student was logged in off-site facilities. Enforcement Training. FBI employee training during 1988 was at 66,515 student training days were used for General Law Enforcement Training. FBI employees training during 1988 was at 66,515 student days (41 percent) with an additional 33,041 student days (20 percent) delicated to DEA training. Also during 1988, 4,637 FBI employees were trained in 1,752 DEA employees participated in training sessions at the FBI Academy (including 656 new agents). A total of Narcotics Enforcement training by DEA Academy instructors.

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During 1988, a total of 596,368 hours of field instruction were afforded to 9,596 FBI Special Agents in addition to training offered at the FBI Academy. This instruction included 68 hours of training for each field special agent and eight hours of mandated training for FBI Headquarters supervisory personnel. Approximately 55,372 total training hours for 13,843 support employees in the field and at FBI Headquarters were also accomplished in 1988.

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Technical assistance in the form of case analysis, personality assessment, consultation, and construction of personality profiles were provided in 217 PBI investigative matters.

During 1988, 600 hours of psychological services, assistance, and consultation by the Bahavioral Science Instruction/Research Unit ware furnished to PBI administrators and personnel. Forty-eight hours of post-critical Incident reaction training were furnished to 45 special agents who were involved in shooting situations and other life threatening events.

Additional accomplishments of the Training program are presented in the following tables:

1989 Estimates		8 308/20,944 236/19,856	208/20,944 1,170/79,560 EDD) in each fiscal year. Effective ming in 1989, the New Agent Training expand to 15 weeks (75 days).
1988		656/43,178 746/53,170	ed) on duty ( woeks. Begin
1987		796/53,170 796/53,170 796/53,170	those who enter(ed from 15 to 13 to 13 to 13 to 13 to 13 to 13 to 13 to 13 to 13 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to 15 to
Item	New PBL Special Adents:	No. of Students Trained/Student Training Days (STD): Actual Demand Planhed	Explanation: Figures for new agents trained represent those who enter(ed) on duty (EOD) in each fiscal year. Effective January 1987, the New Agent Training Program was reduced from 15 to 13 weeks. Beginning in 1989, the New Agent Training program expanded to 13 weeks, 3 days (e8 days). In 1990 the program is expected to expand to 15 weeks (75 days).

1989	14,000/91,000 14,000/98,000 7,037/49,259 3,767/30,136
1988	5 3,981/23,337 3 13,000/84,500 4,232/27,254
1987	4,150/24,615 12,000/78,000 4,217/26,760
Iton	No. of Employees Attending Specialized/Advanced Advanced In-Serv. Training. at Academy/STD: Actual Demand Planned

Explanation: Planned training of PBI employees represents a compelling need for augmented training in foreign counter-intelligence, domestic terrorism, organized orise and drug matters, computer-related orise, undercover operations, advanced, sophisticated, and technical training for support personnel, as well as supervisory training for both agent and support personnel. Planned training also includes implementation of a recertification program for the FBI Feld Police Training Program to support the FBI's efforts in the violent crime area. In addition to the figures shown in the charts above, approximately 1,900 DA supports were trained at the FBI Academy in 1988. This included 189 basic agents, 222 advanced agents, 69 diversion investigators, and 26 intelligence analysts. DRA student days in 1988 constituted 20 percent of available training days at the FBI Academy.

Note: Figures in decision unit workload charts which refer to students are presented as (1) student numbers, (2) student training days (8TD) (number of students in each course), or (1) total training hours. The workload demand figures were compiled from a survey of all field offices and PBI Headquarters' divisions.

1982 1990	16,368 10,026/626,928 10,033/647,804 16,640 10,026/626,928 10,333/647,804	Explanation: The above statistics represent 68 hours and 8 hours of mandated training for field agents and headquarters' agents, respectively. This training, mandated by current PUI policies and regulations, is designed to maintain and improve investigative, technical, and administrative skills, and includes a wide variety of instruction, such as firearms, defensive tactics, Pederal legal procedures, and other issues which impact on all FBI investigative personnel.
1988 ·	9,596/59 9,596/58 9,596/58	andated to and reguides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vides a vide
1987	9,247/577,316 9,596/596,368 9,247/577,316 9,596/586,640 9,247/577,316 9,596/586,640	urs and 8 hours of a current PUI policies ve skills, and inclu res, and other issue
	SAs Trained in Field & HQ/Total Hours Training: Actual Demand Planned	ove statistics represent 68 homes. This training, mandated by 6 technical, and administration tactics, Poderal legal procedum
Item	SAs Trained in Field Actual Demand Planned	Explanation: The abagents, respectively improve investigative firearms, defensive

Note: Since it is possible for special agent's to attend more than one training program, the numbers do not reflect the actual onboard agent work force.

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1141			ı	Estimates
	1287	1948	1989	1990
Support Employees Trained in Field & HQ/Total Hours Training:				
Actual Demand	12,743/50,972	13,843/55,372	11.841/55 222	74 67476
Flanned	12,555/50,220	13,843/51,232	13,843/55,372	14,674/58,696
Explanation: The above statistics represent four hours of mandated training for all field and headquarters' support personnal. This training is designed to update support employees on administrative and operational functions of the FBI, with particular emphasis on policy changes, personnel matters, and suggestions to improve efficiency and effectiveness.	s of mandated t temployees on hatters, and su	raining for all administrative a ggestions to imp	field and headquarters nd operational function rove efficiency and eff	'support ns of the PBI, fectiveness.
Item	1987	1988	1989 Est	Estimates 1990
Academy Custodial and Grounds Maintenance - Work Hours				,
Demand	103.040	36,443		
Planned 95, 680	92,000	92,000	136,160	100,080
Explanation: Pod A of the Engineering Research Facility (ERF).	:y (ERF).	-		
Item	1987	1988	1989 Est	Estimates
Academy Complex Service & Repair Hours;				3
Actual Demand	130,640	161,520		•
Planned	139,840	139,840	139,840	139,840
Explanation: With the opening of the man design				1 · · · · · · · · · · · · · · · · · · ·

Explanation: With the opening of the new dormitory and Fod A of the Engineering Research Facility, additional custodial/ maintenance and complex service/repair hours will be demanded.

1982 081184188	300
1989	3000
1988	700 700 700
7867	7 7 8 8 7 8
	s (Cases):
Ites	Paychological Services (Cases): Actual Desend Planned

the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s

Explanation: With the increase in the number of personal problems resulting from shooting incidents, other life-threatening events, and specialized assignments projected in 1990, the Behavioral Science Instruction/Research Unit would utilize its existing resources to provide increased counseling and consultation to affected Bureau employees and their families, as well as, provide Bureau-wide Peer Support programs.

	1989	As En		1	990 B	980	183	O Est	nate	Increa	50798	crease
	Porm.	¥.	Pos. MY Amount	Pon.	×	Porm. Por. HX Amount Pos. HX Amount Pos. HX Amount	Pos	걸	Anount	Pos	걸	Amount
Porensic Services Pederal 324 31.3 \$21,560 324 313 \$22,876 324 313 \$22,876	324	31.3	\$21,560	324	313	\$22,876	324	313	\$22,876	:	:	•
Long-Range Goal: To support the Pederal criminal justice system by insuring, through scientific means, that all physical evidence is utilized fully to develop as much probative information as possible to reconstruct the crime, identify the guilty, and exomerate the innocent, and provide scientific and technical support to orgoing FBI and DRA investigations.	oderal of lop as l	crimin much pr rovide	al justice robative in scientific	system oformat	by the	s possible cal suppor	through to rec	scient onstru going	ific mean of the or FBI and Di	s, that ime, id EA inve	all entir	physical y the tions.

To assist in the prosecution of criminal matters by providing expert testimony in a full range of forensic disciplinos. To provide professional, expeditious handling of Pederal requests for scientific examination of physical evidence.

Major Objectives:

To make significant progress in research projects designed to make the best use of physical evidence, stay abreast of new technology, and improve the ability to support engoing investigations.

4.5

To provide forensic science training to Pederal investigative and crime laboratory personnel to maximize the use of physical evidence in the solution and prosecution of criminals.

To provide specially designed investigative devices and apparatus, as required, for use in support of ongoing investigations.

investigations and from other Pederal agencies which do not have laboratories with the technical capability to perform a investigations and from other Pederal agencies which do not have laboratories with the technical capability to perform a particular type of examination. The cases received include specific requests made by the contributor to conduct a vide-range of forenist examinations on the physical evidence (specimens) othering the investigation of a crime. Requests are received in the Evidence Control Center, where pertinent information concerning the case is recorded in a mobile ter. The request is then quien a priority for examination and assigned to a principal examinar. The examinar proceedings. Additionally, the PEI Laboratory provides scientific and technical support to ongoing investigations includenced and exceptant administrative evidence, and a wide range of graphic and photographic materials in support of operational and administrative requirements.

The A decrease of 22 positions and workyears resulted in 1989 from contracting out cortain functions in this program. The positions in this program which will be studied for possible contracts with private industry include general support.

### Accomplishments and Workload:

Item 1. Porangic Science Examinations	1987	1988	1989	1290
a. Requests For Examination b. Specimens Submitted For	14,210	13,500 87,200	14,000	14,000
c. Examinations Conducted d. Days Spent In Testimony	741,773	576,500 840	000,000	620,000 <b>*</b> 900

Explanation: The statistics set forth above are captured through the Laboratory's Management Information System and indicate the actual and projected examination workload.

*Incresse in examinations due to new DNA examinations being applied in audition to normal serological examinations.

13 (2)

Item	1987	1988	1982	088 T880
Related Laboratory Support Activity				
a. Forensic Science Training				
And In-Service Training	8,256	. 6,054	9,715	10,561**
Workdays Devoted To	•			
Forensic Science Research	4,377	5,351	4,405	4,405
Polygraph Control Reviews	12,786	13,000	13,000	13,000
Pages Translated	12,959	13,500	13,000	13,000
Days Spent In Direct	•			
Investigative Support	188	930	1,000	1,000
Administrative Items,				
Forms, etc.	244	996	835	815
Prints				
	3,066,425	2,508,000	2,508,000	2,508,000
Investigative Aids -				
Baufpment	2,312	3,608	3,608	3,608
Investigative Aids-Graphics	2,574	745	835	835
Ryhibita	199	2,760	2,760	2,760
Artists Conceptions	29	06	9	8
Training and Briefing Aids	4.034	6,554	8,350	8,350
Publications	7.476	7,748	7,748	7,748
Avards and Presentations	5,479	3,436	3,436	3,436
Screen Printing	6,035	12,480	12,480	12,480
Credentials and Ident Cards	6,719	8,359	8,359	8,359
Signs. Building Graphics.		•	•	•
Exhibits	2,975	3,492	3,492	3,492
Trial Aids	6,030	1 115	4.445	4.445

Note: Projected increases for 1989 are due to new productivity improvement initiatives, such as computer assisted design and automated publications layout.

4.7

**Due to the projected number of new Ful ayents trained.

Increase/Decrease Pos. WY Amount Pos. MX Amount Pos. MX Amount 1989 As Enacted Pos. MY Amount

Automated Data Processing and Telecommunications..... 516 / 504 \$118,853 516 504 \$138,065 556 524 \$144,696 40 20 \$6,631

<u>Long-Range Goal</u>: To support the PBI's information collection, storage, retrieval, and dissemination requirements through management of automated data processing and telecommunications (ADPT) resources and implementation of the PBI's Long-Range Automation Strategy.

#### Major Objectives:

To integrate the common functions of all automated investigative applications by implementing the Field Office Information Management System (FOIMS) Generic Case Management software components including single query of automated systems, electronic (per registers, Title_III, consensual monitors) and physical (photographic, mobile, stationary) surveillances, digital image transfer, trial preparation, electronic case files, polygraph examinations, and special operations throughout the FBI.

To provide an PBI-wide secure capability for data, video, voice, and image transmission through the Intra-FBI Records Communications Systems by migrating to secure T-1 carrier circuits and by acquiring and installing Secure Telephone Units (STU-IIIs).

To improve the PBI's ability to fulfill its investigative mission by employing/improving knowledge-based expert systems by installing a production expert system to support management, operation, and investigation of the PBI's Counterterrorism Program in three field locations; installing the labor racketeering expert system in three field locations; expanding the functionality of the counterterrorism and labor racketeering systems to include affidavit preparation; telephone toll analysis, and crime-scene analysis; implementing the operational version of the decision support expert system in the PBI Headquarters Strategic Information Operation Center; implementing the counterintelligence expert system in three locations; and implementing the subject identification/name search expert

To facilitate index standardization and to consolidate case activities through the implementation of the automated Universal File Number System.

to the integrated Resource Manayement To extend on-line data entry capubilities to field personnel by providing access System which supports daily menagement and executive decision-making activities. 1 7

3

\$

To improve the efficiency and effectiveness of the Organised Crime Information System by integrating the system with other PBI automated systems, 1.6., FOIMS.

Beas Program Description: The ADPT program provides information collection, storage, ratrieval and dissemination support to the PBI's Foreign Counterintalidance, Criminal Law Enforcement, Law Enforcement Support, Investigative Operations and Support of States of States of the PBI's Long Range Automation and Congress, the PBI has made significant programs in achieving its automation goals and objectives. Baseline FOIMS capabilities, which include field office administrative are now on-line to all field offices and 115 additional field locations supported by two regional computer support centers and a mationwide network of 4,675 intelligent workstations.

The PBI recently began implementation of the extended FOINS operating environment, which provides functions for vehicle management, time capture, evidentiary exhibits, and foresture activities; single source data entry; real time global query/transaction processing capture; system captures and embedded expert system capture for author, included expert system captures and exhibities and exhibition actions through strough standardiased information processing methodologies. A 1987 study of extended FOINS cost/benefits conducted by the Institute for Defense Analysas respected that efficiency benefits—the value of files—vould result in cost avoidances of more than \$15 million through 1982. Effectiveness banefits—the value of through 1982 overall, a \$11 benefit to cost ratio was projected for extended FOINS through 1992. The implementation of extended FOINS functionality is dependent upon the availability of an on-line secure distributed data architecture to all users throughout the FBI.

A 1969 management and productivity savings of 90 support positions and workyears would continue into 1990.

96-378 0-89---54

ACCOMDISENSES and Morkload: Workload and accomplishments for the Automated Data Processing and Telecommunications program are set forth in the following table and narrative:

1988 1988 1990	58 58 58 58 58 58 58 58 58 58 58 58 58 5	447,674 492,330 641,665 447,674 492,330 641,665	Through June 1988, base-line POIMS was implemented and operational in all field offices and 115 additional locations. Additionally, FOIMS is on-line to four PBI legal attache offices. More than 6,000 investigative agents have access to the system through a limited number of workstations with 99.6 percent on-line availability and response times of under iive seconds.
7887	(POIMS) 59 592 106 106 6,600 2,740	444,837	emented and operational in legal attache offices. Mor stations with 99.6 percent
Jian	Pield Office Information Management System (POIMS)  a. Field Offices Requiring Support b. Field Offices Provided Support c. Resident Agencies Requiring Support d. Resident Agencies Provided Support e. Legal Attache Posts Requiring Support f. Legal Attache Posts Requiring Support g. Computer Workstations Required h. Computer Workstations Available	PBI Headquarters Computer Center a. Throughput Requested b. Throughput Run	Through June 1988, base-line Polms was impladditionally, FOIMS is on-line to four PBI the system through a limited number of work five seconds.

The Counterterrorism Expert System was installed in the Chicago field office and PBI Headquarters. Additionally, the Knowledge bases for the Labor Racketuering and Countertorrorism Expert Systems were expanded by incorporating 30 additional statutes and 40 additional rules for these systems. These 30 statutos identify essential elements needed for a violation and the rules provide extensive investigative quidance and expanded biographical information for subjects of labor racketeering and counterterrorism invustigations.

Mapping software was modified and an additional computer workstation was installed in the El Paso Intelligence Center (PEC) to enhance the ability to track and monitor mattine vessels in real-time for natoctics interdiction purposes. This software provides ERIC with the capability to plot date on maps for use in the analysis of date and to generate reports for joint investigations of the FBI and other Pederal Government agencies.

Contracts for computer equipment for both the Northeast and Western Regional Computer Support Centers and the FBI Headquarters Computer Center whre averded. The regional computer support center acquisition included four mainframe computers and associated peripheral equipment. The FBI Headquarters Computer Center resources were upgraded by exercising quantity options on two mainframe systems to meet increased operations demand and to provide economic benefits.

The requirements documents needed to define the internal and external specifications for the planned Organised Crime Information System redesign were assembled. The modified system would be integrated with POIMS and include applications for managing orininal informant, background investigation, and civil rights information. The Organised Crime Information System was used to support an investigation of a major Sicilian heroin ring from which approximately 300 arrests have supported. More than 1,000 names were entered into the system and 12 court approved electronic surveillances were supported for this investigation.

A redesigned Resource Management System, including new personnel, payroll, and administrative time capture modules, was implemented in all field offices.

additional users through 9 to approximately provided 5 databases **Pu** Access to FBI Headquarters automated systems Headquarters Local Area Network, The Secure Automated Message Network was expanded by installing integrated message/data service for all legul attache offices. Data transmission between PBI Meudquarters, regional computor support centers, and field locations was improved by installing eight Tl Carrier Circuits and additional concentration hardware for the Computer Applications Communications Network.

Program Chanuag:	1990 Perm.	Perm.	Perio.	Tas C	Perm.	Ingre.	<b>0788</b>	Increase/Decrease Pers.	
	Pos. MY	Amount	Pos	걸	AMOUNT	20	걸	Amount	
and Teledommunidations	516 504	\$138,005	929	124	\$144,696	<b>9</b>	90	\$0,631	

The requested increases Law Enforcement, Law Increases totaling 40 support positions, 20 workyears, and \$13,611,000 are requested for 1990. Are essential for this program to support effectively the Foreign Counterintelligance, Griminal

23 Enforcement Support, Investigative Operations and Support, and Executive Direction and Control missions of the FBI, well as the priorities of the President and Attorney General. Additionally, a program decrease totaling \$7,000,000 proposed, resulting in a net program change of 40 support positions, 20 workyears and \$6,631,000.

### Program ingreases

### Expert evetem development: 56.500.000

The PBI requests a total of \$6,500,000 to continue initiatives related to the application of artificial intelligence (AI) technology in the form of knowledge-based expert systems. An expert system is a computer program which includes knowledge, in the form of tales, adquired from subject matter experts, such as oriminal investigators and prosecutors, and which performs at, or near, the lavel of a human expert. These rules interact with facts from data bases. The FBI believes that law enforcement and intelligence activities are particularly well suited to the application of this new technology. Congress has closely followed FBI initiatives in the application of expert systems and has supported prior requests for further systems increases for artificial intelligence initiatives have been nonsecurred, leaving base-lavel funding to support continuing efforts in expert systems funding remain available for future years as they are developed.

Continued development of the Counterterrorism Expert System will require \$1,500,000 in 1990. This system would support the management, operation, and investigations of the PBI's program to combat terrorism activities within the United States. The requested funding would be used to provide new functionality in the areas of affidable paration, telephone toll analysis, and orims scome analysis. The PBI plans to implement the production version of this expert system in three of the PBI's major field offices during 1990, bringing the total number of locations with the production version to six. This expert system would interface with the Terrorist Information System.

Also requested is \$2,500,000 for further development of decision support capabilities that can be integrated with the personnel/payroll system. In 1986, the PBI began development of the Decision Support Expert System (DSS). Funding requested in 1980 would continue development of this system to provide strategio and tactioal capabilities supporting all assects of PBI decision-making involving human and financial resources, while emphasising efficiency and effectiveness in applying resources to accomplish the PBI mission.

흡 Continued implementation of the Labor Racketeering Expert System would require \$1,500,000 in 1990. This system interfaces with the Organized Crime Information System and supports the management, operations, and investigutions of t PBI = efforts to combat organized crime/labor racketeering. Planned enhancements to this expert system include capabilities to perform telephone/toll analyses, affidavit preparation, and crime scone analysis. Funding would also allow the implementation of the production version of this expert system in three adultional field offices during 1990, bringing the total number of locations survud to six.

Also requested is \$500,000 for continued development of a Counterintelligence Expert System. This system supports the PBI's foreign counterintelligence mission by integrating data collected and contained in investigative support systems and the Field Office Information Management System.

For 1990, 6500,000 is requested for continued development of an enhanced Subject Identification System (SIS). Due to expanding record volume and increasing search transaction workloads against automated indices and data files, the automated retraval operation associated with FDI daily information needs must be upgraded to insure that all available information can be obtained efficiently and effectively. The current automated search as capable of eliminating of percent of the incoming search requising as an effectively. The current automated as as observed requiring labor-intensive, human review. The enhanced SIS would employ advanced searching methods including expert system technology to increase the number of search requeste that can be eliminated automatically to over 56 percent, leaving lass than 5 percent for human review/resclution. Contractual support is being used to refine requirements, identify alternatives, and initiate prototyping efforts for the SIS, Additionally, the denatic Mame Search System developed and and 1987, and 1987, anticipated prototypes of the enhanced search be used to further enhance the sistem and in 1990.

Second of curther enhance the SIS for full implementation in 1990.

## Lease of data communications circuits: \$6.131.000

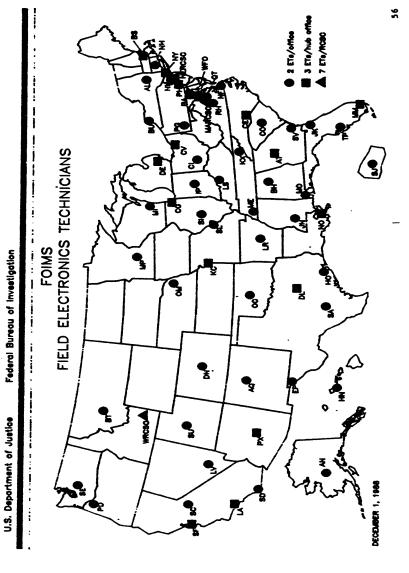
The Intra-FBI Records Communication System supports the FBI's data communications requirements through the lease of telecommunication lines and circuits that permit field office personnel to access centralised data bases and information systems at FBI Headquarters and FOINS data bases in regions looppute support centres. Without the Intra-FBI Records Communications Systems, the necessary telecommunications link between field offices, regional computer support centres, and the FBI Headquarters Computer Center would be missing. Base funding in 1987 was only \$3,105,000 due to a nonrecurral of \$7.25,000 however, expenditures totaled more than \$5,200,000. Base funding will increase to \$4,050,000 due to a nonrecurral 1990, reflecting the application of \$1,100,000 of uncontrollable increases to this area in 1988. Expenditures, however, are projected to total \$10,079,000 and \$11,004,000 respectively for 1989 and 1990. To provide essential telecommunications line support for FOINS and other FBI information systums, an increase of \$6,111,000 is requested.

the PBI extended baseline FOINE capabilities to all Se field offices and 135 additional locations. Additionally, FOINE is on-line to four FBI legal attacks posts. This represents substantial growth from 1966, when 10 field offices and 61 is on-line to four FBI legal attacks posts. This represents substantial growth from 1966, when 10 field offices and 61 traided a spaces were served by FOINE. In addition to FOINE, field office personnel would also be provided with access to major investigative information system. The addition for the FBI's legal Investigative information system. The Organised Crime Information System, Terrorist Information System, Through Income FBI's legal Investigative support Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System System, Terrorist Information System System, Terrorist Information System System, Terrorist Information System System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System, Terrorist Information System System, Terrorist Information System, Terrorist Information Syst

Without additional funding, the FBI would be forced to either restrict access to field office users or reallocate capital investigation for 1 house data communications directly access would dany field investigators the benefit of investigative and intelligence data entered in Folls and the various investigative information systems. Additionally, administrative functions automated under baseline PolMS would be affected.

## Pield electronics technicians: 40 positions and \$1.000.000

An increase of 40 positions (20 workyears) and \$1,000,000 is requested for field electronics technicians. Through July 1988, baseline POIMS capabilities were extended to all field offices and 115 resident agencies. These capabilities would provide an analyse provide for all other consent, and the the baseline POIMS level, each field office would have access to a limited number of capauter vorkstations. Implementation of extended POIMS capabilities call for the limitation of computer workstations. Extended POIMS capabilities call allocation of three electronics technicians required to support the PBI's Long Mange Automation Stranded POIMS appailities call allocation of three electronics technicians for each of 18 telecommunications whus field offices (54 electronics technicians for each of the remaining 11 feld offices (54 electronics technicians for each of the remaining 11 feld offices (52 total); and suvon electronics technicians for each of the remaining 11 feld offices (52 total); thure are electronics technicians for each of the remaining 12 feld offices (52 total); thure are electronics technicians for each of the remaining 12 feld offices (52 total); thure are electronics technicians for each of the remaining the currence (58 total). Currently, thure are electronics technicians for each of the lactronics technicians for each of the cour planned regional computer curiers (28 total); described the describing and each of the lactronics technicians for each of the lactronics technicians for each of the lactronics technicians for each of the lactronics technicians for each of the lactronics technicians for each of the lactronics technicians for each of the lactronic each of the lactronics technicians for each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic each of the lactronic ea



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electronics technicians. Forty additional electronics technician positions are needed in 1990 for field office site preparations required to support the number of extended FOIMS Workstations, computer Workstation installations, and implaned duties. The remaining field electronics technicians would be required in 1991 and subsequent years, as implamentation of extended FOIMS progresses. The accompanying chart shows the requirements for ADPT field electronics technicians.

#### Program deorgans

A program decrease of \$7,000,000 proposed for funding which was to have been used to acquire FOIMS computer workstations would be reduce 1990 base level funding from \$23,213,000 to \$45,213,000. As a result of the base reduction, 1,046 computer workstations would be acquired in 1990, 451 fewer than anticipated. However, the 1990 request represents a 12 percent increase, or \$3,915,000, Increase over the 1989 planned funding level of \$12,295,000 adjusted for a \$8,252,000 representantly. This reprogramming, which is reflected in this budget, would offset operating expense shortfalls, principally the 4.1 percent pay raise and the May York Office Demonstration Project. This reprogramming would require the deferral of plans to acquire 532 computer workstations in 1989.

	1989	As Ens.	oted	Deve	1990 Base	_	661	- Ret	nate	LIBOR	Q7888	Crease	
	Boa	걲	Pos. MX Amount	Poe	Ħ	Post. WY Amount	Poe	걸	Pos. WX Amount	g	Ħ	Pos. WY Amount	
scords Management	1,148	1,107	14 1,148 1,107 \$44,740	1,148	1,107	847,309	1,019	978	\$46,215	-129	-129	-\$1,094	

Long-Ranga_Goals: To improve information systems and services in support of PBI missions.

To strangthen protection measures to reduce risk of loss of PBI information and to provide early detection of vulnerabilities.

To facilitate lawful public acuess to Pul records in response to Freedom of Information and Privacy Acts requests. Major Objectives: To provide file review, name suarchou, and locate services in reuponue to name check requests received from Executive Branch agencies and PBI Headquarturs divisions.

To provide for the protection and sefeguarding of Mational Security Information (MSI).

To develop an information system, identify user requirements, conduct feasibility studies, define system requirements and intiate pilot projects. This information system will become unified and include electronic document management.

provide solutions for reducing the processing time of POIPA requests, thus meeting the time limits set by Pederal statutes. ဥ

To streamline FBI case management through the formalized application of a Universal Case File Number to all administrative and investigative activities.

<u>Bass Program Description:</u> The Records Management program is comprised of five major components: Administrative Unit, Office of Automation and Information Management, Operations Section, Preedom of Information-Privacy Acts, and Records Section.

All components support the Records Management mission, which is to manage PBI information during its life cycle, from collection to disposition, by establishing, implementing, and monitoring policies, systems and procedures for the storage, maintenance, security, retrieval, quality assurance, and final disposition of the information.

The Administrative Unit is responsible for coordinating Records Management personnel matters, position classification services, training for Records Management personnel, and coordinating budget submissions.

The Office of Automation and Information Management is comprised of three units: Information Management, Planning, and Analysis which is responsible for the development of a long-range plan for information management within the framework of the PBI's information architecture; Systems Integration, Training, and Technical Management which is responsible for implemented and implementing existing and menty implemented systems; and Records Assurance and Word Processing which is responsible for the implemention of a complete records assurance program, insuring the completeness, accuracy, and timeliness of date in the automated records.

The Operations Section is responsible for providing automated name searches, file reviews, the PBI Security Program, processing National Security Classification reviews and appeals, and preparation of affidavits concerning NSI and classification review of records to be accessioned to the National Archives. The FBI Security Program's sole mission is to protect NSI through the management of six operational programs known as Industrial Security, Security Clarance Investigations, Personnel Security, Information Security, Physical Security, and Sensitive Compartmented Information Security, and Sensitive Compartmented Front National Security and Sensitive Compartmented priority are and the Administration's Actorney General's top three priority areas by reducing the risk of inadvertant or deliberate compicates of NBI, the loss of which would directly suppose the PBI's investigative efforts in combating illicit drugs, terrorists, and penetration by hostile intelligence services.

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The Freedom of Information and Privacy Acts Section is accountable for the overall management of the Freedom of Information and Privacy Acts program, both at FBI Hadduarters and in all field offices. It is responsible for ensuring compliance with the requirements of the Freedom of Information and Frivacy Acts as well as Department of Justice regulations implementing both acts. The program includes processing requests for access to FBI records, answering administrative appeals, preparing affidavite and declarations in response to litigation challenging the withholding of information and records not relamsed, and training field division personnel. To accomplish their task, Freedom of Information and Privacy Acts Section employees must protect information essential to the law enforcement mission of the FBI, and comply with laws mandating disclosure.

The Records Section is responsible for the maintenance of FBI Headquarters automated mail distribution systems and file retrised to the second equipment dispatching of outgoing FBI Headquarters mail; processing and recording for retrieval of all FBI Headquarters correspondence; Manuals, Forms and Reports Management Unit; Micrographics and Records Disposition Units and Archival matters.

A decrease of 109 positions and workyears resulted in 1989 from contracting out certain functions in this program. The activities in this program that Will be atudied for possible contracts with private industry include various support functions.

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Accomplishments and Work presented in the chart b

Iten	1987	1988	1989	Katimates 1990	_
Mail to be handled	2.700.000	2.900.000	000.000	טטט טטר ד	
Piles Requested	544.542	582.820	000,000		
Names Checks Received	2,177,053	3,740,990	3.000,000	3,000.000	
Applicant/onboard Adjudications	1.725	2.058	068.6	050	
Limited and full field background			•		
investigations	1,681	1,628	17,348	17,348	
ACCOMPLISHMENTS			· 96		
			€		
Mail Processed (single-station)	**	294,073	\$00,000	400,000	
Mail Filed	1,603,598	1,594,849	1.800,000	1.900.000	
Name Checks handled	2,143,167	3,935,435	3,000,000	3,000,000	
Applicant/onboard adjudications	1.220	2.046	2.046	2.046	
Limited and full field background					
investigations	1,154	933	1,152	1,152	

* This figure reflects the backlog from the previous year.

The Office of Automation and Information Management accomplishments include: Field Office Information Management System implementation of 100 percent of the field offices as of July 1988, and six Legal Attache Offices as of November 10, 1988; reduction of PBI Headquarters General Index inquiry response from 40 to 60 seconds to 5 seconds; development of automated Accretiche system as interim emergency backup to the automated Neadquarters General Index; completion of feasibility studies of a bar code file tracking system and a departmental office automation system to provide distributed processing, intitation of a study to improve name searching techniques by use of expert systems which have linguistics capabilities; completion of feasibility studies which would allow FBI Headquarters and field offices to use existing personnel files; and start of a pilot Universal Case File Number.

The FBI Security Program developed and implemented an Industrial Security Program, and new procedures for trustworthiness investigations of applicants and onboard employees.

During 1988, the FOIPA Section received 17,659 new requests and processed 13,859 requests.

gram_Changes:	Pera.	1990 Base		Perm.	Ratio	ate	Perm.	70861	Increase/Decrease	
scords Managument	1,148	1, 107	1,148 1,107 \$47,30%	1,019	978 878	\$46,215	-129	-129	-\$1,094	

A program reduction of 129 support positions and workyears and \$1,094,000 is proposed in anticipation of savings from contracting out certain functions of the Records Management program. The activities in this program which will be studied for contracts with private industry include various support functions.

	1989	AS ED	acted.	7	80 OS	97	199	P. Rat.	Pate	Incre	<b>0768</b>	ecresse
	Por	¥	POST HX AMOUNT . POST HX AMOUNT	Pos.	¥	Amount	Por	걲	PUEL HX AMOUNT	Pos	걸	POS. HY AMOUNT
Technical Field Support and Kquipment	154	151	\$46,794	154	181	559,567	211	180	\$64,920	24	58	\$5,353
Long-Range Goul: To provide essential technical support and equipment to PBI field offices and conduct necessary research and development to maintain a level of technology sufficient to overcome criminal and terrorist adversaries.	ial tuci n a leve	hnical el of	support a	and equi	pment	to PBI	field of	floss inal	and condu	ot necistat	OKSAT Versa	ries.

To ensure field office equipment is fully operational through the replacement of inventories of audio collection and recording equipment, audio analysis equipment, physical surveillance equipment, physical security and countermeasures equipment, firearms and tactical equipment, photographic equipment, and automotive maintenance equipment as the equipment reaches the end of its useful life.

Halor Objectives:

To provide efficient installation and operation of the FBI's Digital Voice Privacy radio system and FM radio communications systems.

To improve the PBI's ability to fulfill its investigative mission by conducting research and development of new technological capabilities and breakthroughs.

To meet field requirements for tracking and surveilling multiple targets simultaneously through the initiation of an expansive vehicle and personnel tracking program.

To develop the capability for court-authorized interception and collection of cellular telephone conversation.

To enhance the recruitment of technically trained agents and electronics technicians and upgrade technical skills by providing training in state-of-the-art technology.

To provide and maintain eafe, reliable, and effective automobiles and special purpose vehicles through cost-effective

To support field office activities in administrative and investigative programs by providing furniture, equipment, and supplies.

To support development of new technical capabilities applicable to the PBI's investigative mission by implementing a rapid prototyping/quick reaction facility.

Base Program Description: The Technical Field Support and Equipment (TFSE) program provides technical investigative support to FEI field offices and maintains centralized management of all field equipment to maximize its use and to expedite the completion of complexifuative matters. Frequently, investigative objectives can be mat only with sophisticated technical support. All FBI field investigative programs are dependent upon the technical support and services provided by this program. The primary thrusts of the TFSE program are the development, design, engineering, acquisition, and installation of technical support equipment used for the successful accomplishment of the investigative maission, as well as the development of an adequate and trained staff to install, maintain, and assist in the operation of that equipment.

ACCOMDIANMENTS and MOTKLOAD: Workload and accomplishments of the Technical Field Support and Equipment program are presented in the following table and narrative. Katimates

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Radio   60   60   60   60   60   60   60   6	1988 1982 1990	59** 59 59 30 30 59 59 59 59 59 59 59 59 59 59 59 59 59	336 420 545 620 700 800	363 363 363 87 120 145 93 130 155 120 120 120 390 410 440	irainia.
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Demand includes all field offices and PBI Academy at Quantico, Virginia.
 In 1988, the Washington, D.C., and Alexandria, Virginia, field offices were merged to form the Washington Merropolitan Pield office system Would now control the operational and technical requirements for the Alexandria Field office, the Mashington Field Office radio system had to be redesigned.

Construction of the first of four modules comprising the Engineering Research Fauility at the PBI Academy began in November 1987. Occupancy of the first module is anticipated during the Summer of 1989.

The acquisition and implementation of Digital Voice Privacy resources continued in 1988. Presently, a total of 7,352 mobile and 6,907 portable radios which support approximately 87 percent of the Ful's field agents are operational. A total of eight field office systems have paused system acceptance and are fully operational. A total of 58 field offices will have been added as a field of the full system infrastructure.

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A final VHF land-mobile frequency plan for the northeast region Digital Voice Privacy system was developed and is currently being implemented.

A strategy to support interoperability between FBI and Drug Enforcement Administration digital voice privacy radio systems was developed.

Consensual monitoring aupport to field investigators in approximately 2,600 cases was provided which resulted in 36 misdemeanor convictions, 1,483 felony convictions, and the prevention of \$1.1 billion in potential economic losses.

Installation of the automated dialed number recording systems was initiated for the automatic collection and downloading of telephone number data. The conversion and installation of technical equipment in 11 specialized technical surveillance vehicles was completed.

A miniature repeater for extending the range of body transmitters and hand-held voice privacy radios has been developed and and a prototype delivered. In addition, the current repeater had been successfully repackaged in various configurations to provide a disquised repeater for use in criminal cases where special agent communications are critical and can involve life or death situations.

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Perm	ichnical Field Support and Equipment	29 workyears for PBI's crim inpent, auto install, se rials. Addi
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1 <b>95</b> 1	ald Support	ages of 57 lid directly are needed ainations of of digital vand \$5,353
Program Changes:	Technical Field Support and Equipment	Program increases of 57 positions (29 workyears) and \$9,695,000 are requested for the TFSE program. The additional resources would directly support the FBI's criminal law enforcement mission. Nonpersonnel enhancements are requested to acquire electronic surveillance equipment, automobiles, and to lease radio tower and microwave repeater sites. Personnel enhancements are needed to provide, install, service, and maintain field radio and technical equipment and to conduct forensic examinations of audio materials. Additionally, a program decrease totaling \$4,342,000 of funding used for the acquisition of digital voice privacy radio equipment is proposed, resulting in net increases of 57 positions, 29 workyears and \$5,353,000.

# wass of radio antenna tower and microwave repeater sites: \$5.115.000

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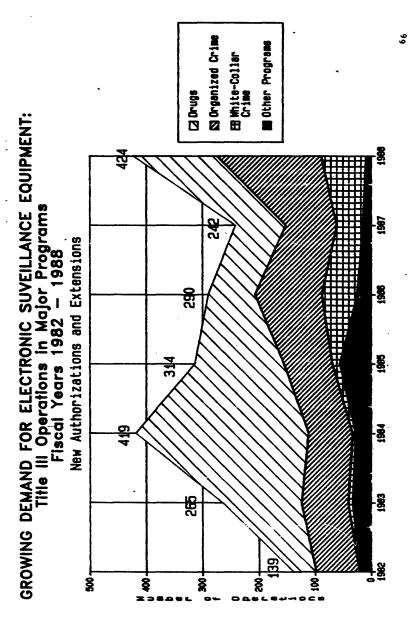
An increase of \$5,115,000 is requested for the lease of radio antenna tower and migrowave repeater sites. These sites are required to support the PBI's digital voice privacy, high-frequency, and other radio communications networks. Approximately 2,678 lease sites would be required in 1990 to support radio communications in all 56 PBI field offices. Based upon an average cost of \$3,540 per site, the PBI would require toil of \$9,465,000 in 1990 for lease sites. Existing base funding totals \$4,351,000, leaving a requirement of \$5,115,000.

### Electronic surveillance equipment: \$1,890,000

Increasingly, PBI investigations are dependent upon the collection of evidence using electronic surveillance techniques such as fitle III overhears, body recorders/transmitters, and pen registers. Between 1982 and 1988, the number of Title III soperated (new installations and renewals) increased from 139 to 424 -- a change of 366 percent. Within the PBI's Drug program, the number of Title III soperations and extensions) for the period 1982 through 1988. The accompanying chart shows factories III operations (new authorizations and extensions) for the period 1982 through 1988. Increased use of this technique is expected due to changes in the statute governing the use of Title III surveillances. In both 1987 and 1988, approximately 1,300 approvals were granted for the consensual recording of conversations. In order to provide field offices with the technical equipment necessary to conduct electronic surveillances, increased funding is critically research in the state of the consensual recording of conversations. In order to provide field conference in the Interface deforts of support for Dury program and other field investigative efforts the consensual funding totaling \$1.800,000 is requested for the electronic surveillance program which supports the collection of audio using hard wire and radio frequency microphone systems and the collection of telephone audio and dialed number information using telephone line interface equipment, more commonly referred to as pen registers.

Criminals are using commercially available countermeasures equipment to detect traditional hard-vire microphones used by the PBI and other law enforcement agencies to monitor conversations. An increase of \$100,000 would permit the purchase of fiber-optic microphone systems for use in criminal investigations. At the present time, there are no fiber-optic systems available for oriminal cases. These systems would be used in those instances where targets are known to employ countermeasures equipment that can detect traditional hard-wire microphone systems but which are not effective against fiber-optic equipment.

An increase of \$100,000 would permit the purchase of body-worn radio frequency transmitter systems and specially concealed reduced reduced requency transmitter systems. These additional items are needed to meet expected demands for this type of equipment. During 1987, 110 requents for radio frequency microphone equipment were unfilled due to a lack of funding to purchase additional equipment.



Agus San Carlotte

An increase of \$1,290,000 would parmit the purchase of 30 automatic dialed number recorder systems. The use of pan register equipment has grown dramatically as the FBI has increased its use of court-approved fittle III survaillances against narcotics traffickers, corrupt public officials, and other criainals. This increase has created the need for systems capable of collecting and automatically processing data obtained during investigations. The implementation of automated multiple—line and single—line pen registers pen register operations more efficient and allow cutdated equipment to be replaced. With increased funding, all field offices would be equipped with automatic dialed number recorders, compared to only 30 field offices at base level. Between 80-90 percent of all single—line pen requiser at the base level, compared to only 40 percent at the base level.

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## Pield electronics technicians: 54 Positions and \$1,350,000

An increase of 54 positions (27 workyears) and \$1,350,000 is requested for field electronics technicians to support current digital voice privacy radio requirements. The additional electronics technicians are required to maintain and service field radio communications systems and other technical equipment, perform installation and/or relocation of equipment, and maintain the backbone microwave repeaters/radio antennee. The current lavel of FBI field electronics technicians cannot handle the additional workload which would be required for a greatly expanded FBI backbone radio system exchitecture.

## Audio processing examinations: 3 Positions and \$154.000

Just as the increase in the number of Title IIIs and consensual monitoring conducted has resulted in a need for more equipment to conduct electronic surveillances, the output of these surveillances -- tape recordings of conversations -- has created a demand for timely processing of evidentiary materials. Duplicates of tape recorded conversations must be available for transcription purposes, the conducting of foreneid examinations to improve the intelligibility of conversations, and for trial preparation and courtroom proceedings.

An increase of three electronics engineer positions (two workyears) and \$134,000 is requested for the Audio Processing Program. Between 1985 and 1987, the number of audio processing examinations conducted increased by 23 percent. This growth in program workload has resulted in an average turnsround time of 40 days. A backlog of 157 cases has accumulated which is the equivalent of a 4c.day turnsround. A four percent annual growth in requests for examinations is projected through 1990. With noty existing personnel, the average turnsround time would increase to 91 days, while the backlog of cases would grow to 350.

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To respond on a timely basis to field office requests for audio processing assistance, three additional electronics engineers are needed. Due to the complex and specialized knowledge required to enhance and/or conduct analyses of audio recordings, a minimum of one year of intensive hands-on training is required before engineers would be able to perform independently audio analyses and enhancements. With the additional personnel, the backing of cases would be had to a nine percent increase due to the influx of DEA cases and the time required to train additional electronics engineers. Approximately 80 percent of the requests for on-site assistance would be met in 1990. More progress toward reducing the a reimbursable bases would occur in 1991, as the new engineers more independent. Examinations for DEA are conducted on a reimbursable bases.

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Workload for the Audio Processing Program are summarised in the following table:

## AUDIO PROCESSING PROGRAM, WORKLOAD MEASURES - 1985-1990

٠						1990	1990 Estimates
Requests for examinations	1985 810	887.1 887.1	1987 <b>6</b> 23	1889 845	55 50 50 50 50 50 50 50 50 50 50 50 50 5	1,025	Request 1.025
Cases completed	670 83 <b>\$</b>	90 <b>6</b> 7 <b>8</b>	1068	0 <b>0</b>	2 <b>2</b>	900 9.24	900
Examinations conducted	13,968	20,375	17,123	16,000	21,000	21,000	21,000
Specimens Received	1,990	2,574	2,153	2,473	2,677	2,682	2,682
Specimens Examined	1,646	2,038	2,315	2,093	2,240	2,500	2,500
Percent	834	796	107	828	874	936	904
Case Backlog	n/c	238	157	250	290	350	350
Testimony Requested	Ş	96	34	9	7	\$	<del>4</del>
Testimony Provided	<b>\$</b>	38	77	Ç	Ç	\$	9

### Surveillance support vehicles: \$1.186.000

Increased funding totaling \$1,186,000 is requested to purchase 87 vehiclus for the Special Support Group (85G) program, which providus off-site surveillance support to FBI investigations. This funding is needed to acquire vehicles for additional 85G personnel received in 1986 and 1987, but for which no additional vehicle funding was provided.

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### Endersl Bureau of Investigation Salaries and expenses Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

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oted	Pos. MY Amount	\$19,739 278 270 \$19,882 6,900 111 108 9,675 84,228 2,383 2,395 90,418	9.239	122,103	y, the Nati
19 As Ens	È	2,398	297	2,965	av enfor 1 Academ
7	d	215	787	2,969	Mation
Activity: State and Local	•	General Law Enforcement Training. 278 270 \$19,739 Porensio Services - Non-Pederal 111 108 8,900 Pingerprint Identification2,383 2,385 84,225 2	Statistics Services	Total 2	This activity supports State and local law enforcement by providing training and furnishing laboratory, identification, and the services. The PED Maitonial Acedemy, the National Germanical Services (NCIC), and the Uniform Crime Reporting (UCR) processes for a services funded under this activity.

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al Law Enforcement	278	270	278 270 \$19,739	278	270	\$19,882	27.8	270	278 270 \$19,862 278 270 \$19,882	:	:	:

<u>Long-Range Goal:</u> To improve the investigative, managerial, and technical capabilities of local, county, State, and international law enforcement personnel through research, education, and training.

#### Malor Objectives:

To provide training to State and local law enforcement officers annually in the FBI National Academy Program.

To participate in one sectional and 35 FBI National Academy retraining sessions for the 47 Chapters of the FBI National Academy Associates.

To improve the investigative, managerial, and technical capabilities of criminal justice personnel by providing continually updated, short education programs at the PBI Academy, at locations throughout the United States, and at selected international sites.

To conduct approximately 270 advanced schools annually by FBI Academy personnel in support of the Field Police Training Program and to conduct 5,000 schools annually for 190,000 criminal justice personnel using FBI Field Police Instructors. To conduct research and provide evaluative, investigative, and operational assistance in areas where FBI Academy personnel have specialised expertise.

To provide orime analysis, oriminal personality profiles, and violent crime-related information in order to assist the local law enforcement community in the resolution of major crimes of violence.

To conduct the PBI National Law Institute for the instruction of State and local legal advisors.

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To operate and promote the National Center for the Analysis of Violent Crime and administer research, training, and investigative support programs designed to assist the law enforcement community in their understanding and investigation of unusual, bisarre, and victous violent orimes.

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To continue to publish scholarly articles by National Academy (NA) personnel on a wide variety of subjects of concern to the local law enforcement community.

Bass Program Dascription: The General Law Enforcement Training mission of the FBI is achieved by the interaction diverse programs offered at the FBI Academy and provided through the Field Police Training Program.

The FBI offers a wide variety of training programs which are made available at no cost to selected criminal justice personne. The courses range from highly technical one-week programs to the eleven-week National Academy Program. The FBI Academy staff also conducts research, establishes program objectives, and develops courses of instruction to meet identified training needs.

In the PBI's Field Police Training Program, over 2,000 trained FBI instructors assigned to 58 FBI field offices and numerous resident agencies participated in local police training programs throughout the nation. This training assistance at the basic level is extensive and is the backbone of FBI training assistance to local law enforcement. Is at this level of training that the rapport between local police and FBI Special Agents is developed, which fosters cooperative efforts between agencies in the investigative criminal cases.

The PBI Academy regularly conducts video teleconference programs over a network known as the Law Enforcement Satallite Training Network. Teleconference broadcasts address relevant and timely issues in training matters of concern to law enforcement, reaching a live audience nationwide. Each broadcast is viewed by 15,000 to 20,000 law enforcement of figures. Teleconferencing enablas the PBI to present information to a nationwide audience immediately, and to immediately receive feedback and questions back from them.

A<u>ccomplishments and Morkload:</u> Accomplishments of the General Law Enforcement Training program are presented in following tables:

NOTE: Figures in program workload charts which refer to students are presented in two ways: (1) student numbers and (2) student fraining days (STD) (number of students in the course multiplied by the number of training days in the course).

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The workload demand figures were compiled from a survey of all field offices and PBI Headquarters' divisions. The Nationwide Law Enforcement Training Needs Assessment Program at the FUI Academy also contributed justification for workload demand figures.

Acad Student Para. Strained in Na Drodrem at Acad Student	1987	1988	1989	Estimates 1990
Training Days (8TD): Actual Demand Planned	702/37,343 3,000/165,000 800/44,000	797/43,835 3,000/165,000 853/46,915	3,000/165,000	3,000/165,000
Itam Itam Pers. Trained at Acad. in Exac. Day.	7887	1286	1989 Batia	Batimates 1990
Program/STD: Actual Demand* Planned	102/1,122 2,000/20,000 110/1,100	120/1,440 2,500/25,000 125/1,250	2,500/25,000	2,500/25,000 520/5,200

* Demand for executive development programs is based on minimal estimates of the training needs in DEA, National Executive Executive Development Seminar, and Mational Law Institute.

The minimal level of students participating in FBI Academy Executive Development Programs in 1990 is based on the projected Volume of FBI/DEA entry level employees which restricts Academy lodging and classroom facilities.

Pers. Trained at Acad. in Specialized or Tech. Prog. 67D: Actual Demand* Planned	2,350/17,090 39,000/265,200 2,486/18,722	2,344/18,416 39,000/265,200 2,250/14,625	39,000/365,200 2,774/18,031	39,000/265,200 1,000/8,000
*The demand estimate for this training is based upon available law enforcement training meeds assessments to include applications presently on file for Forensic Science training. This demand represents more requests than the FBI can conduct with available resources.	upon available l ence training. 1	law enforcement training meeds assessments to include This demand represents more requests than the FBI can	ng needs assessments more requests than	to include the PBI can
Ita	1987	1988	1989 Batimates	ates 1990
Pers. Trained at Local, State, & Regional Facilities by Acad. Instructors/# of Schools: Actual Demand Planned	17,499/206 66,907/780 18,734/220	16,861/226 66,907/780 18,000/212	66,907/780 16,000/190	70,000/824 20,000/230
Explanation: This training includes sophisticated and advanced training in such areas as forensic science, criminal psychology, labor relations, instructor development, and eventuative development. In addition to above cited figures, other PEI Headquarters divisions furnished training to 16,083 personnel in 268 schools in 1988. The desand satinate is determined through a falld training survey done annually by the PEI steld offices. The increase for 1990 respresents projected development of new courses to meet law enforcement needs. The increase for planned training in 1990 is dictited by the need to export additional General law Enforcement Training based upon restricted police training at the PEI Academy resulting from exportation of a large increase in new agents to be trained. The planned versus domand figures for all years are based on budget (1.e. travel funding) restrictions and available instructional resources.	ed and advanced ent, and excenti ning to 16,083 pe annually by the * enforcement ne il law Enforcement pe increase in ne travel funding)	training in such area ve development. In a present in 268 school. FBI's field offices. dds. The increase for training based upon it Araining based upon it Araining based upon it Araining based upon it Araining based upon it agents to be trained and available.	as forensic scienc ddition to above cit s in 1988. The dema The increase for 19 planned training in restricted police t 1. The planned vers lable instructional	e, oriminal ed figures, nd estimate is 90 represents 1990 is raining at the us demand

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360,000 360,000	of instruction at 5,411	y and other executive udent training days were	during 1988, 226 schools for glonal training facilities.	at 5,411 schools attended by	I Academy and through the FBI's
165,409 360,000 150,000	88 included 48,189 hours am does not include figu	ed to the National Academ An additional 18,416 st law enforcement officers.	fered at the FBI Academy, structors at State and re	189 hours of instruction	g program, both at the FB nty, and State law enford
State, 166,668 360,000 194,082	g Program statistics for 19 Field Police Training Progr	training days were dedicated in law enforcement managers.	hnical training programs of	mining Program included 48,)	ral Law Enforcement Training E generates from local, cour
Crim. Justice Pers. Receiving Trng. at State, Local & Regional Trng. Pacilities by Ful Instructors: Actual Demand Planned	Explanation: The Field Police Training Program statistics for 1988 included 48,189 hours of instruction at 5,411 schools. Above cited training in the Field Police Training Program does not include figures cited in the chart above.	During 1988, a total of 45,275 student training days were dedicated to the National Academy and other executive development training programs for local law enforcement managers. An additional 18,416 student training days were devoted to technical or specialised programs for State and local law enforcement officers.	In addition to the specialized and technical training programs offered at the FBI Academy, during 1988, 226 schools for 16,861 law enforcement personnel were conducted by FBI Academy instructors at State and regional training facilities.	During 1988, the FBI's Field Police Training Program included 48,189 hours of instruction at 5,411 schools attended by 165,409 local, county, and State criminal justice personnel.	An important benefit of the FB1's General Law Enforcement Training program, both at the FBI Academy and through the FBI's 58 field offices, is the cooperation it generates from local, county, and State law enforcement acancies.

Training and Operational Support programs continue to make a significant contribution in support of State out local efforts to combat and solve violent crimes. The National Center for the Analysis of Violent Crimes began operation in June 1986, by assisting State, and local law enforcement agencies in analyzing, illuking, and solving violent crime causes. In 1888, the Center's Violent Criminal Apprehension Program processed 1,002 homicides and attempted homicides. The Criminal Investigative Analysis Program received 422,298 domestic cases wherein offenders were responsible for Criminal Envestigative Analysis Program received 422,298 domestic cases wherein offenders were responsible for bombingly 7 missing persons, 1 false allegation, 1 sadistic animal mutilation, and 1 setantic viriling. In cases received from foreign agencies, 2 strangeded required in-dapth analysis which resulted in 225 criminal investigative analyses, 16 personality assessments, 301 investigative techniques, 231 interview strategies, 4 procedutive analyses, 16 equivocal death analyses, 121 linkages, 6 enalysis reviews, 11 observations, 4 summary analyses, and 757 consultations (on-site, Quantico, and telephonic) being conducted.

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Be/De	Porm. Porm. Porm. Post., HX Amount	Porenaio Services Non-Pederal 111 108 \$8,900 111 108 \$9,675 111 108 \$9,675	Long-Range Goll: To support the non-Federal criminal justice system through a program which provides: (a) specialized forensic science training to crime laboratory personnel, (b) crime-scene training to law enforcement personnel, and (c) cost-free examination of evidence and necessary court testimony for agencies which do not have access to crime laboratories or in complex cases which are beyond the capability of the local laboratory.
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#### Major Objectives:

ů To utilise fully the Forensic Science Research and Training Center to train State and local orine laboratory personnel improve the ability of jurisdictional laboratories to keep pace with the rising forensic examination case loud.

To share the results of successful forensic science research projects with State and local crime laboratories.

To publish the "Grime Laboratory Digest" as a means for the Mation's crime laboratories to rapidly share ideas and information.

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To maintain leadership in the orime laboratory community by hosting the "Annual Symposium on Crime Laboratory Development" and two additional scientific symposia and through participation in Various other scientific meetings and symposia.

To provide professional and expeditious handling of requests for examination of physical evidence and provide necessary expert testimony in cases submitted by State and local law enforcement agencies.

these Program Description: The Forensic Science Research and Training Center uniquely combines forensic science research vith forensic acience training in a facility which has been designed and equipped to meet the rigorous requirements of these activities. Federal, State, and local crime laboratory and law enforcement personnel receive training in courses which have been carefully selected and developed after consultations throughout the law enforcement and orise laboratory communities. Many of the courses offered are not available elsewhere in the United States. The research staff is augmented with visiting acientists from the PDI Laboratory and other government agencies, and the training staff is augmented with visiting canter; however, where proper training is normally conducted at the Porensic Science forensic schools in the field. Results of successful research projects are shared with the orise laboratory community. Many State and local law enforcement squares still do not have jurisdictional vilme laboratories to boorder them specialized forcement equalizations. The PBI Laboratories often do not have the equipment and/or expertise to conduct the required examinations. The PBI Laboratories forensic services to Non-Pederal law enforcement agencies as required.

A decrease of 11 positions and workyears resulted in 1989 from contracting out certain function in this program. The activities in this program that will be studied for contracts with private industry include various support functions.

<u>AGGGMPLIahment and Morkload:</u> Accomplishments of the Forensic Services - Non Federal program are presented in the Following table:

				2010	-1	
•	Lien	7887	1981	1989	1990	
<b>:</b>	A Requests for Examination	5,344	5,250	6,680**	089′9	
	D. Speciments Studietica for Examination Conference of Examinations Conducted G. Dava Shant, in Tastianny	52,799	53,300	446,000**	69,000 446,000	
<b>~</b>	Porensio Science Training	,				
	4. Marional Academy Training 1. Courses Instructed 2. Work Mours Devoted	3.288	35	40	2,136	
	b. Specialized Forensic Schools 1. Conferences, Seminars,					
	2. Work Hours Devoted	17,448	30***	58****	14,400	÷
	1. Schools Held 2. Work Mours Devoted	240	1,440	1,440	1,440	

*Changes due to the projected number of new PBI agents trained which ducreases other training due to limits of total students PBI Acadumy can accommodate.
**Expected increase due to DNA Analysis.
***Periorises due to lack of bed space during lat quarter 1988 with increased enrollment of the libiat Session of the National Academy.
****Increase is anticipated due to increased bed space availability. Hew Dormitury opened in Pall 1988.

Increase/Decrease	POE. WY. Amount	-\$1,001
Q738	K	-118
Incre	Bo	-118 -118 -\$1,001
ME	Pos. MX Amount	
Set in	Ħ	2,277
19,	Pos	2,265
1990 Base	Pos. MX Anount	\$90,418
930	걸	2,396
Pare	Pos	2,383
Perm.	Pos. MX Amount	\$84,225
2 Ena	걸	2,395
2	Post	2,383
		fingerprint 1dentification 2,383 2,395 \$84,225 2,383 2,395 \$90,418
		Fingerprint

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Long-Range Gcal: To provide more accurate and timely fingerprint identification and related services to Pederal, State, and local driminal justice agencies, as well as other governmental agencies and entities, as mandated by Pederal statutes, regulations, and executive orders.

#### Major Objectives:

To process all fingerprint cards, related documents, and name checks, while reducing response time and costs.

To increase employee productivity.

To enhance automation of work operations through research and development.

To provide state-of-the-art forensic science services and improve reporting procedures.

Base Frontam Danoription: In the early 1900's, fingerprints were becoming more widely accepted as an accurate means of identification. Congress authorized the PBI to serve as the Nation's central repository and clearinghouse for Eingerprints and other felbted identification data in 1924. Since its inception, the PBI has provided assistance to the criminal justice community parforming two primary functions: (1) It serves as the Nation's injectivit identification index; and (2) it compiles and disseminates criminal history records of persons arrested for serious/significant offenses. The information that is disseminated is derived from fingerprint cards and disposition reports voluntarily submitted by over 62,000 authorized user aguncies. The PBI also receives and retains on file non-criminal fingerprint dentification purposes. military personnel, aliens, and persons desiring to have their fingerprints on file for

During 1988, a daily average of 33,605 fingurprint cards and 20,779 piuces of name checks, correspondence, dispositions, expungement and purge requests were received. Over 185 million fingerprint cards representing more than 61 million individuals are currently maintained in the PBI's fingerprint files. Fingerprint processing is only one of the many services that the PBI's Pingerprint Identification program provides for the criminal justice community. The FBI also: (1) examines and processes physical evidence submitted by Federal, State, and local law enforcement agencies for latent "crime scone." fingerprint, and provides expert testimony if necessary: (2) conducts fingerprint training schools for

Pederal, State, and local law enforcement personnel! (3) posts wanted and perole/probation notices to oriminal history records to notify oriminal justice agencies when there is new arrest activity against such records; (4) assists Pederal, State, and local governmental authorities in the identification of unknown deceased persons, including on-site assistance at major disasters.

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In serving as the Nation's repository and clearinghouse for fingerprint and arrest records, the PBI must be effective and efficient. Timely responses are vital to the operation of the Nation's criminal justice system. Delays in processing criminal fingerprint cards can result in the release of fugitives before their true identities are determined, impact criminal investigations, and hamper processing spolicant fingerprint cards can result in monetary losses and hardships in the employment and licensing accorder. When the workload increases and personnel decreases created substantial work backlogs and delays in response time (from three days in the early 1970's to 27 days in 1981), the PBI was forced to suspend certain non-Pederal applicant services in 1982. The services were restored in 1983 with the institution of the User-Fee Program. This Program charges a fee for processing fingerprint cards which is used to pay the full cost of providing the service.

As a long range and permanent solution to the FBI's fingerprint processing problems, the FBI embarked on research and development of computerized equipment and techniques to automatically read and search fingerprint cards. After a study in 1971 determined the feasibility of incorporating such techniques into the Identification Division, the FBI began a three-phased implementation. The Automation achievements in Phases I and II into a fully-integrated, high-performance system which is projected to decrease the FBI's work-processing time for 95 percent of the Workload to one workday. Additionally, Automated Identification System - Phase III will allow the FBI to support the Interatate Identification fractionally, Automated Identification System - Phase III will allow the FBI to support the Interatate Identification fractionally. Automated Identification System - Phase III will allow the FBI to support the Interatate achieves the record of the FBI will be accorded to decrease the responsibility for the Interatate achtered research and devalopment and increased III, a major component of the FBI's part of the FBI's part of the FBI's part to provide accurate and timely response to increased productivity will be accomplished by three offorts: (1) implementation of Automated Identification System - Phase III, an on-line automated system with automated card and document transportation; (2) development and implementation of Retraval System; The majority of the Retraval System; and (3) development and implementation of Automated III was already been remized form of Louise III, allowing the reduction of bid direct-funded workyear since 1981. Most future savings will be in the form of cost avoidance, whereby the projected increases in workload will not require admit form be reduction of bid direct-funded well to the III be accompliant in the projected increases in workload will not require eigentices the productivity increases.

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Identification p
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Accomplishments and Morkload: following table:

Estimates	1288 1290	6,827,002 7,032,000 7,108,000 6,731,816 6,519,000 6,287,000	1,361,363* 1,573,000 1,708,000 1,394,429 1,513,000 1,648,000 1,274,4932** 1,401,000** 1,536,000** \$16,619,834 \$18,283,000 \$20,183,000	1,552,562 685,000	\$12,265,240 \$4,733,000	AAA 165 a 760 767 a
Item 1987 srprint cards criminal Justice and	Fingerprint cards . Criminal Justice and	rederat Applicant 6,242,363 Processed 6,293,522	Applicant) Roceived 1,505,041 Processed 1,436,191 From Received On 1,125,905** Revenue Rarned \$17,295,145	Immigration . Name Checks on Magnetic Tape Processed 322,912 Fingerprint Cards	Arcassed 35,781 Revenue Rarned \$2,531,610	Total All Sources

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Decrease due to changes in gun application procedures and clearing of regulatory commission initial requests. All user-fee receipts are not processed because of immediate rejections (fallure to comply with established procedures and/or requirements) and returns due to illegible fingurprints.

No submissions planned for permanent residency under Immigration Reform and Control Act of 1986. .:

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Item			1987	1988	1989	1990	1
Correspondence (Name checks, etc.) Received	• •	• •	., 1,515,243	1,534,461	1,672,000	1,756,000	
Name Checks on Magnetic Tape Processed	•	:	756,694	143,979	1,075,000	1,075,000	
Expedite and Special Requests Received and Processed		:	256,795	243,874	267,000	272,000	
Disposition Reports Processed	• •,		4,440,354 4,596,108	3,008,893	3,516,000 3,516,000	3,622,000 3,622,000	
Expungement and Purge Requests Processed	•	•	Purge	428,289	453,000	471,000	•
Nonserious Offense Fingerprint Cards Purged	•		986,98	64,722	30,000	10,000	
Pugitives Identified Through Posting of Wanted Notices	•	•		26,455	26,000	27,000	
Latent Fingerprint Cases Processed	•	•		15,554	16,800	17,300	
Suspects Identified by latent Finesprint Examinations	•	:	2,459	2,526	000'5	3,500	

Fingerprint Schools	157	190	200
Interstate Identification Index Requests Received and Processed	1,254,542	1,183,000	1,301,000
Communications Mailed 11,402,501	11,465,066	13,169,000	13,827,000
In 1988, latent fingerprint specialists examined 207,524 specimens in 15,554 cases, resulting in the identification o 2,526 suspects by latent prints. A total of 82 deceased individuals were identified by fingerprints or footprints.	07,524 specimens in ceased individuals w	15,554 cases, resultivere identified by fin	ng in the identification or

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In 1988, latent fingerprint specialists examined 207,524 specimens in 15,554 cases, resulting in the is 2,526 suspects by latent prints. A total of 82 deceased individuals were identified by fingerprints or Latent Specialists made 279 court appearances to present testimony regarding fingerprint examinations. COMME

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During 1988, the FBI Disaster Squad, which is comprised of FBI Special Agents and latent fingerprint specialists, traveled overseas to Burma and Greece, as well as to Wisconsin, California, Texas, and Louisiana to assist in the identification of 107 victims of four airplane disasters, a terroist behing, and one oil refinery explosion. Fifty-two the victims were identified by fingerprints. Latent Specialists also processed evidence at 62 crime scenes from presence of latent prints. Two of the crime scene examinations necessitated travel overseas. One involved the bombing of the American Embassy in Nadrid, Spain; the other involved the hijacking of a Kuwaiti airliner in Iran.

In support of the Immigration Reform and Control Act of 1986, the FBI's Identification program processed 1,552,562 name Checks on magnetic tape and 246,662 fingeforint cards during 1988. Over \$12 million in revenues were collected which were used to pay the full cost of providing the service.

For 1988, the User-Fee Program processed 1,274,493 revenue-producing fingerprint cards for non-Federal employment and licensing purposess. Revenue earned for 1988 from the User-Fee Program totaled \$16,619,834. These funds were used to pay for the services provided.

The PBI, as with many government agencies, is experiencing a shortage of available gualified typist. In an uffort to address this problem, the PBI's Identification program has developed an innovative program for in-house training of employees for positions requiring typing akila through the use of computer-based training (CBT). The CBT Program is designed to offer employees in labor-intensive positions the opportunity to receive training, testing, and certification as data transcribers. CBT operates in a network configuration with the potential to train 100 employees per day. Benefits to be derived from this program include: laproved amployees with upward mobility opportunities, higher morale, and placement of graduates in critically needed vacant data transcriber positions in the Automated Identification System - Phase III configuration.

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The Automated Identification System - Phase III project has been ongoing since the contract was awarded in January 1985. To date, all computer equipment has been delivered and is in place, as are the document transport systems. The system will be implemented in 1989. Rescheduling is due to, among other things, the contractor having fallen behind schedule in the development of software for Automated Identification System - Phase III. A full system parallel test is scheduled to be conducted during February, 1989, with the implementation of Automated Identification System - Phase III on March 30, 1989.

A program reduction of 118 support positions and workyears and \$1,001,000 is proposed in anticipation of savings from contracting out certain functions of the Pingerprint identification program. The activities in this program which will be studied for contracts with private industry include various support functions.

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Criminal Justice Data and Statistics Services 197 192 \$9,239 197 192 \$9,791 197 192 \$9,791	. 197	192	\$9,239	197	192	\$9,791	197	192	162'6\$	:	:	:	
Long-Range Goal: To generate reliable statistics for use in law enforcement administration, operation, and management,	relia	ble st	atistics (	for use	in law	enforceme	nt adm	iniet	ration, o	peration	4	d managemen	يز

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تد And to improve the overall effectiveness of the criminal justice system through effective handling and exchange of documented criminal justice information. Long-Rang

## Major Objectives:

To provide training, technical consultation, and assistance to Federal, State and local law enforcement officials for devaloping and maintaining accurate Uniform Crime Report (UCR) data; to improve management and operational strategies; and to compile UCR orime statistics on a monthly, semiannual, and annual basis for oriminal justice reports and analysis.

To review and compile statistical reports from UCR contributors; to respond to technical inquiries; to develop quality control standards and uniform reporting methods; and to apply research methodology where applicable.

To collect, record, analyze, publish, and report detailed and comprehensive data contained in the "Law Enforcement Officers Killed and Assaulted" publication; to collect, compile, and tabulate information concerning the crime of arson and develop a special arson publication in response to the Anti-Arson Act of 1982; and to collect, compile, tabulate, and publish statistical reports in compilence with the "Uniform Federal Crime Reporting Act of 1988."

To provide statistical orime analysis and research in response to requests from academicians, the legal profession, Members of Congress, law enforcement officials, and the public.

To provide for the storage and dissemination of documented information concerning wanted and missing persons, stolen property, criminal histories, and laboratory comparison standards through the operation of the National Crime Information Center (NCIC) telecommunications system.

To insure continuation of a usur-oriented managament process by coordinating mestings and facilitating informational input from the NCIC Advisory Policy Board and Regional Working Groups.

To meet the needs of user agencies and ruquirements of the criminal justice community through the year 2000 by coordinating and successfully implementing nucessary NCIC system enhancements.

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national crime data received from over 16,000 contributing law enforcement agencies. The authority for the PBI to administer the UR Program is contained in United States Code, Chapter 13, Title 28, Section 5. The Anti-Arson Act of Aminister the UR Program is contained in United States Code, Chapter 13, Title 28, Section 5. The Anti-Arson Act of PRSQUE (PADISCIAN 97-299) directed the FBI, in cooperation with the United States Fire Administration, to devolop and prepare a statistical report on arson. The "Uniform Federal Crime Reporting Act of 1988" mandates all departments and agencies within the Federal Government Which Investigate complaints of criminal activity to report details about the crime to the FBI. This approgram began in 1989. The primary ongoing effort within the UCR Program is the design and implementation of the Mational Incident-Based Reporting System (MIRRS).

The NCIC Program supports directly the PBI's law Enforcement Support mission, which encompasses the responsibility to improve the nationwide, computer-based criminal justice information system. As part of its long Range Automation Strategy, the PBI is studying a new generation NCIC system in multiple phases which provides significant advanced and expanded functionality. The first phase of this process was completed in April 1988, and involved a contractual study identify mentional requirements for the system. Results from this study are currently being evaluated by the NCIC Advisory Policy Beard, the contracting officer's technical representative, and the PBI's systems development staff. In the threeset of-achievisty procedures in the form of twis-based edits, on-like quality sequence the procedures, and internation detection capabilities, the PBI is studying a system using a fourth-generation programming language rather than a conventional, procedure-oriented one. This would reduce life-cycle software maintenance costs, permit more rapid implementation costs.

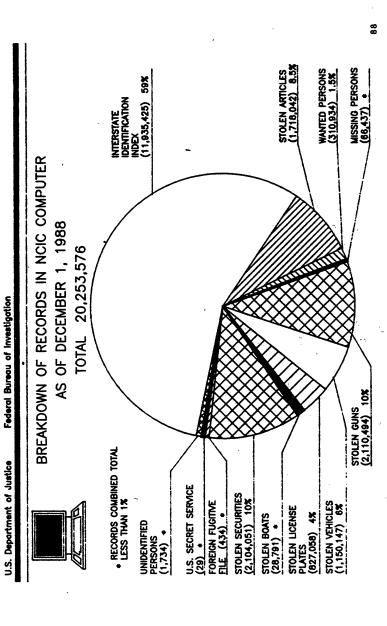
Activities involving the integrity and security of the NCIC are fundamental for sustaining acceptable system effectiveness. A key consideration in the study of NCIC 2000 is protection of civil and constitutional rights and privacy through rigorous security and audit controls and special artificial intelligence-based capabilities to detect unauthorized use of the system. The PBI has worked closely and intensively with the Congress and its advisory panel in this area. Accepted the requirement for the PBI to provide specialized legal and investigative training of Pederal. State and local law enforcement officers and the mandate to conduct biennial audits of each state control terminal agency are indispensable for continuing the successful operation of the NCIC.

management and productivity savings of seven positions and workyears in the NCIC Program will continue into 1990. A 1989

and Morkload: Accomplishments of the Uniform Crime Reporting and Mational Crime Information Center sented in the following table:

			Rati	mates
Item	1987	1988	1982	7880
UNIFORM CRIME REPORTING PROGRAM Monthly UCR Statistical				
Reports Received & Processed	1,580,420	1,630,416	6,000,000	10,000,000
Travel Meguests for Training, Liaison, Program Development, Speechas, Mestings, and Police				
Schools	150	150	170	185
Correspondence Received	55,150	55,150	55,150	65,150
Neveletters/Bulleting Distributed	150,000	150,000	210,000	240,000
Publications Produced	20	23	27	30
MATIONAL CRINE INFORMATION CENTER				•
MCIC Transactions	203,050,178	221,647,749 230,000,000 240,000,000	230,000,000	240,000,000
Mumber of States Participating in	•	•	•	
Interstate Identification Index (III)	11) 20	20	21	34
III Transactions	16,700,000	19,838,841	20,500,000	21.000.000
Training Sessions Conducted				
for Non-FBI Personnel	42	42	63	63
Audits of Control Persinal Agencies				

The accompanying chart shows a breakdown of records in NCIC as of December 1, 1988.



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Activity: Program Direction	7	19 As Era	cted	87	90 Base		189	Petinet.		Inc	Q/www.	Crease
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Executive Direction & Control	523	3	\$26,913	523	204	628,339	523	2	626,339	:	:	:
MEMBERS SELVICES	2		77.7			14.575	828	142	34.575	1	1	1
Total	1,382	1,346	59,300	1,382	1,346	62,914	1,382	1,346	62,914	:	:	:
This activity includes the manage	ment, a	deinistr	ative suppo	rt. lega	l. plann	ing, evalu	ation, in	mention.	and Cinanot	al fund	ttions .	the

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To provide effective leadership, management, direction, and control for the Pederal Bureau Long-Range Goal: Investigation.

## Major Objectives:

To provide leadership for the PBI in support of the organization's long-range goal through the promotion of high morale and efficient commitment of personnel and nonpersonnel resources.

Ç To advocate effectively the PBI's positions with respect to all legislative proposals with the Department of Justice, Office of Management and Budget (OMB), and the Congress; to effectively represent the interest of the PBI with respect to responses to Congressional inquiries and oversight responsibilities; to competently advise the Director and other PBI officials on matters relating to the Congress; to competently represent PBI interests with national legal organizations.

To obtain public cooperation and support in PBI investigative areas; to increase the public's avareness of FUI activities and accomplishments through news releases, feature articles, interviews, speeches, publications, radio and relevision appearances and announcements, correspondence, and tours; to reduce the demand for illegal narcotics through prevention and education.

To provide legal advice and guidance to PBI personnel in administrative and investigative matters; conduct logal training of PBI, State, and local personnel; prepare training monographs and legal articles; provide legal advice concerning civil administrative forfeitures and rule on petitions for remission or mitigation; provide legal counsel and coordinate the defense of civil litigation and administrative claims involving the PBI, its personnel, and PBI records.

To carry out audits, inspections, and evaluations of PBI's investigative and administrative programs so as to ensure their economic value and effective compliance with objectives, governing laws, rules, regulations and policy, and to ensure that FuI personnel conduct the organization's activities in a propur and professional manner.

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## Base Program Description:

The Director, with the advice and counsel of the FBI's Executive Assistant Directors and members of the Executive Conference, sets policy and provides leadership and direction to the organization. The Executive Assistant Directors, with the assistance of their respective staffs, transmit policy statements, guidolines, and other managerial information to the Assistant Directors, who direct the daily operations of the headquarters divisions.

Program direction is composed of the following areas: the Budget Program which provides overall direction and control in all phases of budget and accounting functions; the Congressional Affairs Program, which seeks to effectively advocate PBI positions with respect to all legislative proposals before the Congress and to competently advise the Director and other PBI executives or matters relating to the Congress; the Public Affairs Program, which is responsible for providing the American public with a factual accounting of the PBI's programs, operations, and services on a continuing and timely basis, sharpening the public's perception of PBI goals, and for managing the Drug Demand Reduction Program.

Other areas composing program direction include: the General Legal and Civil Litigation Programs, which provides legal advice and guidance to FBI management and personnel concerning all aspects of FBI operational and administrative matters, provides legal training to FBI. Drug Birocement Administration, and state and local personnel, coordinates the defense of lawsuite and administrative obtains resulting from investigative and instrative actions in the field and at FBI Headquarters; the Internal Inspections Program, which is responsible on a continuing basis for reviewing and assessing the entire operations of the PBI and is mandated to investigate and/or supervise the investigation of all allegations of criminality and serious misconduct on the part of FBI employees; and the Program Evaluations and Audits Programs, which assist managers in identifying, analyzing, and resolving organizational performance and policy issues; and conduct financial and other audits of the FBI's fiscal affairs.

The base resources for the Office of Congressional and Public Affairs (OCPA) will be reduced by 10 percent in 1990. This reduction would be taken against those activities over which OCPA has the greatest discretion. Such as possibly discontinuing publication of the <u>Lay Enforcement Bulletin</u> in OCPA and reducing the number of guided tours offered to the public.

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Accomplishments and Morkload: in the following table: Item

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The Law Enforcement Bullutin was cut from OCPA as a result of the 10 percent reduction mandated by OMB.

2A reduction of seven tour guides in 1990, as a result of the 10 percent reduction mandated by OMB, would decrease the number of tourists accommodated by the FBI tour route.

³Priority Service projectu increased substantially from 1987 to 1988 because of better record keeping and the Logal advice/assistunce.

⁴An increase in the amount of complaints completed from 1987 to 1988 is in direct proportion to the number of complaints filed for investigation, i.e., there were more people filing complaints so more EEO complaints were under investigation.

⁵An incruase in the number of Intelligence Oversight Board matters closed is because more information is being received that lead to Intelligence Oversight Board inquiries/violations.

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<u>Item</u>			Est	Estimates
	1987	1988	1000	0001
ield office audits	28	7	7	1220
BIHQ funds/systems audits6.	2	•	; <	•
ndercover operations audits	•	, 21	25.0	2
No/DoJ limison	9	9	9	9
General Ledger Audits'	•	•	2	2
Valvations completed	•	~	•	'n
Challes Completed	•	<b>~</b>		
-76 Studies Conducted/Positions Reviewed"	4.5	317	350	350
ontidential Funding:				
Maria to Proper to Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and Constitution Services and	1,125	1,650	2,350	2,350
Contidential Funding Reports	216	250	250	1,300
TURK reports (Time Utilization Recordkeeping)	131	118		97.
Accomplishment Reports	96	101	105	108
Schodules of Octlentions	1			
Controlled of Controlled States	702	695	695	695
SUPPLIES OF CHANGE CHANGE CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRAC	136	154	154	154
19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	69	9	65	65
neta antey transactions	600	914	914	914

⁶The funds/systems audits completed make up the general ledger audit and reference to the funds systems audits after 1988 will be the all encompassing name of guneral ledger audit.

The projected number of audits to be completed in 1989 increased from 1988 due to an error in Public Law citation that made it necessary for the reports to be redone.

⁸the commercial functions under OMB Circular A-76 review in 1988 have a considerably larger number of positions than those under review in 1987.

	1989	89 As Enact	Acted		1990	986	799	O EST	11050	Incred	290/98	rease
	Pern.			Perm.			Perm.			Perm.		
•	Pos	Ħ	Anount	Pos.	¥	Anount	Pos	Ħ	Amount	Pos	겈	Amount
Administrative Services	<b>9</b> 28	659 842	\$32,387	828	842	859 842 \$34,575	829 842 8	642	\$34,575	:	:	:

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<u>long-Range Goal:</u> To provide a complete range of administrative services to maintain the FBI as a functional entity; and enhance liaison with United States and friendly foreign police and other agencies.

## Major Objectives:

To provide a range of personnel related services, such as employee safety, health, and assistance programs, human resources planning, biweekly psyroll, and relocation assistance for transferred employees.

To provide a range of general services, such as printing, varehousing, and supply services, disintegration of confidential and official trash, maintenance of the J. Edgar Hoover (JEH) Building, and coordination and supervision of space provided by GSA.

To maintain liaison with PBI Headquarters (FBIHQ) and field offices with regard to operational and administrative responsibilities, both domestic and international in nature.

To make a significant impact on criminal enterprises through the aggressive utilization of forfeiture provisions contained in Federal statutes, within the investigative purview of the PBI.

To prepare all required financial data reports related to budget execution in a timely manner.

To effect, maintain, and enhance liaison with United States and friendly foreign police and other agencies as necessary to support increasing investigative responsibilities of the PBI.

Base Program Description: The Personnel Services Program is responsible for the administration, coordination, and policy formulation of pay administration, retirement, leave, safety, disciplinary action, employee performance, recognition, and indoctrination, applicant recruitment, processing of employee transfer matters, and compiling and reporting personnel statistical data. This program is also responsible for the administration of the Performance Appraisal and Merit Pay Systems, coordination and implementation of the Kqual Employment Opportunity and Aftirmative Action Programs, and Employue Assistance Program to include the Mandatury Drug Duterrence Program.

94

The General Services Support Program has the responsibility for procurement and processing property seized for forfeiture purposes. This program must also provide support service functions relating to printing, warehousing, security, safety, supplies, and space needs. The Systems Support Program prepares the FBI's payroll and distributes statements of sanings, salary and expense checks, leave accounting records, and savings bonds. This program is responsible for relocation and travel matters involving PBI personnel and duministaring vouchers relative to the Field Support Account, Imprest Fund, and undercover operations. The Financial Management Program provides overall direction and control in all phases of accounting functions and budget execution.

The Office of Liaison and International Affairs (OLLA) is responsible for effecting, maintaining, and enhancing liaison With United States and friendly foreign police and intelligence agencies in support of PRI Headquarters and field offices in their management of the PBI's growing responsibilities in investigative programs.

AGGORDIIshments and Morkload: Accomplishments of the Administrative Services program are shown in the following tables

		•		Retinates
Xten Xten	1987	1981	1989	1990
Staffing Actions	12.639	12,800	13.250	13.500
Pay Actions	66,501	68.500	70.750	72,500
Position Classification Actions	2,641	2.750	2,800	2,050
Human Resource Planning and Development Actions	10.720	12.500	14.500	16,250
National Applicant Recruiter Long-Range Research Projects	23	30	30	
Drug Deterrence Test Proceed	2,491	7.925	21.950	21.950
Performance Ratings Matters Processed	57,166	68,411#	56,949	57,811
Special Agent Transfer Actions	2,265	2,105	2,613	3,121
Administrative Actions Processed	1,208	1,348	1,363	1.446
Forfeiture Motifications Information Issued.	8,260	10,837	23,545	29.434
Contracts	178	213	300	300
Requests for Space Modifications from the Field and FBING.	986	1,000	1,000	1.000
Printing and Reproduction Accomplished (in thousands)	63,455	63,455	63,455	63,455
Relocation Invoices Audited.	950	769	00	1,050
Household Goods Shipment Requests Processed (Cost Transfers			÷	
Outy)	1,360	1,157	1,300	1,300

* Increased rate due to the implementation of the Performance Management System.

Ita			1	Estimates	
	7867	1988	1989	1990	
Travel/Transportation Requests Processed.	35,257	45,000	62.000	62.000	
Markethal Financial Reports Produced	104	104	104	104	
Internal Management Boscome Eller Commission	1,500	1,620	1,700	1.800	
Date Batter of India terranged Troumped	160	220	160	326	
Pore and the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first of the first	e, 000	6,300	6,300	6.300	
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Number of regular, daily contacts established and	~	~	. 01	12	
Maintained with Bureaus and egencies	187	233	254	275	
egenotes regularly contacted	. 30	7	45	20	
NOTE: Personnel services are expected to increase through 1990 due to anticipated turnover rates, and expansion of the drug festing program. Secause foreign liaison is an ever increasing area, and through experience, the FBI can further increase to foreign liaison, workload related to the Office of Liaison and International Affairs is expected to increase through 1990. General services such as foreeiture actions and contracts are expected to increase through 1990 and order of the second increased use of forfeiture actions relating to drug, white-collar orime, and organized orime investigations, and to increased need for contract actions relating to undercover operations.	due to antio saing area, a of Liaison an lons and cont ating to drug ting to under	ipated turnover nd through expen d International racts are expect , white-collar cover operation	rates, and exp rience, the FBI Affairs is exp ted to increase rime, and orga	ansion of the can further ected to through nized crime	

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Pederal Burau of Investigation

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# Justification of Multi-Activity Program Changes (Dollars in thousands)

76 Savings	one Morkyants Amount	-129 \$1,094	100'T= = 116	-247 -\$2,098	Savings anticipated by the conversion of certain functions now performed by Federal employees to contract services is the basis for the reduction of 247 support positions and workyears and \$2,095,000. The details of exactly which services will be converted to contract operations will be available after cost comparison studies have been conducted activities of
Item of Decrease: ONB. Circular A-76 Savings	Remanant Rosttions	-129	erra	-347	onversion of certain functions now performed of 247 support positions and workyears and \$ o contract operations will be available afte
	Decision Units	Records Management	Fingerprint Identification	TOTAL	Savings anticipated by the c the basis for the reduction services will be converted t and reviewed.

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Federal Bursau of Investigation

Ednanda, Analysis - Program Changes (Dollars in thousands)

	Criminal, degritty, and	117	TWEST CHALLYS THOUGHT		
-	Other Investigations	ADP/T Program	ADP/T Program	Records Manag	gement
	Other Field Programs	Increase	Decrease	-	acrease.
It	Amount	Pod Amount	Amount	100	Amount
Grades					
OS/CM-15	•	:	:	•	:
OS/OF-14.				:	:
CS/CSF-13		•	:	:	:
23				:	:
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26-10				:	:
		_	:	:	
<b>66-7</b>	:	40	:	:	:
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Personnel Denetita	:	160	:	:	-291
Travel and transportation of persons	•	::	:		:
Transportation of things	•••	• • •		:	:
CER Manne.	- :	93	:	:	:
Communications, utilities, and	•••				
miscellaneous charges	:	6,131	:	:	:
	:		:	:	:
Other services	•		:	:	:
Supplies and materials	•			:	:
Equipment	\$14,313	958'9	-\$7,000	:	:
Lang and structures		411			1
motel unriverse and obligations, 1990.	14.313	וואינו טכ	-7.000	-129	7 700 -
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Eudaral Bursau of Investigation Eslavies and expenses Financial Analysis - Program Changes (Dollars in thousands)

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***************************************	1	1			-8735	-247	-1.538
Total positions and annual rates		1.176		41.	200	000	***
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	l			444		-48	-922
	2	- 670	:	-118	-735	-198	200
	•	:	:	:	:	:	:
Personnel benefits	:	238		-	-266		-180
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Standard of the san		:	•	:	::	:	:
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Con Manie	:	98	:	:	•	:	145
Communications, utilities, and		_					:
miscellansous charges		5.11%					776 11
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Poderal Bursau of Investigation Salaries and expenses

## Federal Bureau of Investigation Salaries and expenses Priority Renkings

Page Program		12
Program		3
Executive Direction and Control		56
Administrative Services Other Field Programs	400	3
Organised Crime	410	
White-collar crime	۰,	
Mecorus management Forenaio Bervices - Federal	• ••• •	
Technical Field Support and Equipment Automated Data Processing and Telecommunications 1	, ,	
Training Findentification	121	
Forensia Services - Non-Federal	13	
General LAV Enforcement Training Criminal Justice Data and Statistics Services	12	

Federal Bureau of Investigation Selectes and Expenses Detail of Permanent Positions by Category Piscal Years 1988-1990

				788	00	
Category	1988 Authorized	1989 Request	Adjustments to Base	Program Decreases	Program Ingrange	Total
Criminal Investigation	187.6	9,715	(+14)	• •	•••	9,301
General Admin. Clerical and Office Services	9,135 2,880	8,835 0,084	(223)	(247)	.6.	3,181
Total	22,456	22,421	(637)	(247)	97	21.634
Washington U.S. Fleid Porsion Field	7,780 14,602 74	7,399 14,948 74	(637)	(247)		14,311
Total	22.456	22.421	(637)	(247)	97	23.634

Emderal Bureau of Investigation Building and Facilities

		BESE	us of Cons	truction (	and Summery	ousands)	Status of Construction and Summary of May Facilities Requirements (Dollars in thousands)	Komente		
		Addat 1	Audomit Request or Appropriation	Appropris	tion		Total			
		Planning lite Acc	uleition	Construct	lon		Cost	Current Stati	Current Status January 1988	Expected
Pro	Project	100 3	Amount	Pisoai Xeer	Amount	Total Funding	Estimated or Actual	obligated to Date	Stage of Programs	Completion Date
H	I. Under Construction or fully funded:							•		
ä	1. Dormitory Building									
	Architectural & Engineering	1984	\$1,076			\$1,229	\$1,229	\$1,225	Completed	11/68
	Construction			1986	\$14,189	\$14,189	\$14,189	\$13,971	Warranty period	11/68
	2. Electrical Distribution									
	Architectural & Engineering	1984	\$138	•		\$138	\$135	400	Completed	1/00
	Construction			1985	\$1,088	\$1,158	\$1,158	\$1,098	Warranty period	7/88
ë	3. Engineering Research Building			-						
	Construction/Pod A			1985	\$9,982	\$9,982	\$9,982	\$16,898	Construction Pod A	7/89

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	Oot.1		Acoutred Disposed	Sept. 30	Oct.1	Acculred Disposed	Disposed	Sept. 30 Oct. 1	Oot. 1 On Hand	Acquired.	Acquired Disposed	Sept. 30 On Kand
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Trucks					į			į		;	:	
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ubtotal												
Purchased Vehicles	1874	1333	1101	1884	7894	1393	1382	7894	7894	1048	100	7840
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Vahicles	•											
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Other	•			007	2				3			:
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fotor Vahicles	970	121	4	1	4	101	417	7.7	455	927	789	4
TOTAL ALL	4309	. 0181	1347	6737	6737	1894	1967	1764	1364	1266	=	111

Federal Bureau of Investigation Schedule of Aircraft

End-of-Year   End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Acquired Disposed End-of-Year   Act					
Inventory 42 42 43 11 11 11 11 66					
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56 34 0		1			1
96 34	-	3 24			24
77	-				
Under agencies 100	7	3 84	-	000.000	87
Single engine 1		3			4
Total Aircraft 67 14 0 81 7	7	3 85	34	\$80,000	88

*Data for 1989 and 1990 reflect planned purchases utilizing base level funding for each year of \$221,000. These aircraft will be purchased only if the PBI is able to locate suitable used aircraft (at an approximate cost of \$80,000 each) and the funds are available from the Asset Porfeiture Fund to refurbleh and retrofit the aircraft with state-of-the-art avionics and communications systems.

## Pederal Bureau of Investigation

## Salaries and expenses

1988 AGENAL Consulting Services ...... \$2,657

Consulting and Related Services (Dollers in thousands)...

The services of consultants are obtained when either in-house staff does not possess the particular expertise or resources to conduct certain autivities or when a service or project can be performed more economically by an outside contractor, academician, or professional. For swapple, to comply with Office of Management and Budget Citulata A-76, the PBI has acquired contractor services to assist in the conducting of annagement productlyly studies. Subject-area experts are used, as needed, in analyzing and examining items of evidence and conducting forensic research. Consultants are being used to aid in the recruitment of persons for PBI employment. On-site physical examinations are conducted by contract physicians and the services of qualified psychiatriats are retained to support a psychological services program available to all PBI employees and their immediate families.

Federal Bureau of Invastigation Salaries and expenses

(Dollars in thousands)

Post Department of Justice Appropriation Act, 198923,142	22, 142	Morkyears 21,659	\$1,424,100
1989 Bupplemental provided in the Anti-Drug Abuse Act of 1988	279	142	15,000
1989 as Enacted 23,421	22,421	21,801	1,439,100
fransfer to the Organised Crime Drug Enforcement Appropriation	(637)	(637)	(51,589)
Mandatory incremes: Annualisation of the Anti-Drug Abuse Act of 1988	:	611	12,235
1989 Fill-year pay increase impact on 1990	:	:	37,739
## ## ## ## ## ## ## ## ## ## ## ## ##	:	:	768,01
Rederal Employees Companies of (FECA) - Unemployment Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Companies of Comp	::	::	145
GSA rent:	:	:	10,118
GSA requiring reimburgable services	:	:	ioi
Pederal Telecommunications System (TTS)	:	:	976
dio principal conta	:	:	700
Distributed Administrative Support.	:	:	107
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Matocatton Services	1:	#3	94,247
Decreases			•
Monrequiring costs for Federal Employees Compensation Act (FECA) - Worker's Compensation,	:	:	(114)
1990 Base 21,781	21,784	21,263	1,481,644
Frogram Longwas  Other Field Programs  ADP/Telecommunications  Records Management. Technical Field Support and Equipment Fingerprint Identification.  Total; program changes	(129) (129) (118) (150)	(129) (129) (198)	14, 313 6, 631 (1, 094) 5, 353 24, 202
1990 Estimate 21.634	21.634	21,085	318051

FOURTH BUTTONIA OF INVEST HALL TON SALARIES AND OXPONISM JUSTIFICATION OF ANJUSTMENTIS TO BASE

50	THREE COLUMN TO OTHER ACCOUNTS:	thousands)	300 O	Porm.	Morkveata	Amount
1	Organized Crime Drug Enforcement (OCDE) Transfer			-637	-637	-\$51,589
	A transfer of 637 positions, 637 workyears, and \$51,589,000 is provided to the OCDE appropriation in accordance with Section 1055 of the Anti-Drug Abuse Act of 1988. Beginning with the 1990 budget, the Attorney General is required to submit a separate appropriation request relating to all Federal agencies participating in the OCDE Task Forces from which the Attorney General Would make relaburaements to the involved agencies as necessary.	189,000 in the head of the Attorner trelating is from white olived agents	provided e Anti-Drug y General to all ch the			·.
tal	tal transfers		:	-637	-637	-51,589
g	ndatory increases.					
<b>:</b>	1. Annualization of the Anti-Drug Abuse Act of 1988	•		:	119	12,235
·	This provides for the annualization of 119 workyears and \$12,235,000 provided in the Anti-Drug Abuse Act of 1988.  Approved 1989 Annual salary rate of approved positions  Lass Lapse Rate (16 porcent).  Net Balary  Associated Personnal Benefits.  Travel and Transportation of Persons  Travel and Transportation of Phings.  Transportations, Utilities, and Misc. Charges.  Printing and Reproduction.  Other Sorvices.  Supplies.  Total costs subject to innualization   1,000,000   1,72	Approved 1989 Approved 1989 \$1,265,812 6,677,194 2,552,199 2,552,199 2,552,199 3,98,373 358,259 4,076,957 94,971	5,000 Annualization Aspaired \$1,265,878 2,157,670 260,721 429,107 343,244 343,244 3,565,528 187,381 5,908,600			

~	1989 Pull-year pay Increase impact on 1990	Fort	MOTENTIE	100005 100005 100005
ë.	Special Salary Rates	:	:	6,997
	This request provides increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management (OPM) has approved these rates for positions where retention and recruitment of qualified applicants is a problem. The Department's request represents coverage of 30 special rates.			
÷	Health Benefits	:	:	12,535
	The Federal Employees Health Benefits Act (F.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective for the first pay period after January 1, 1988, the actual contribution to health insurance increased 10 percent. In addition, OPM has indicated that it anticipates an increase increase of \$15.55,000 provides tunds for actual increased costs from pay period 1 to pay period 2, projected for actual increased costs from 15 percent increase Initially predicted for a full year plus the minimum is percent increase in the minimum increase is 28 percent.	•		
÷.	. Federal Employees' Compensation Act (FECA) - Unemployment Compunsation	÷	:	145
	This increase reflects the billing provided by the Department of Labor for the actual costs in 1988 of caployees' unemployment compensation. • The 1990 amount would be \$500,000 or \$145,000 over the 1989 base.			
ં	6. Goneral Services Administration (GSA) Runt	÷	:	10,118
	GSA will continue to charge rental rates that approximate these charged to commercial tenants for equivalent space and related services. A mandatory			

Increase of \$10,118,400 is required, to seet the our commitment to GiA.

Name of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state						1755	,			
Relaburable payments are madu to GSA for heating, vontilation, and air conditioning provided in axcess of normal working hours. An estimated 1.1 percent increase of \$9,182,000 is required.  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Telecomaunications System (FYS).  Pederal Percipal Administrative Support.  Pederal Percipal Administrative Support.  Pederal Percipal Administrative Support.  Pederal Percipal Administrative Support.  Pederal Percipal System (System (FYS)).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Percent Increase In Serial Operation Control System (FYS).  Pederal Percent System Control System (FYS).  Pederal Percent System Control System (FYS).  Pederal Percent System (FYS).  Pederal Operation System (FYS).  Pederal Percent System (FYS).  Pederal System	Amount (SUBU) \$101		379		62	•	281		7,655	<u>.</u>
Reimbursable payments are said to GSA for heating, ventilation, and air conditioning provided in access or normal working hours. An eutimated in Joccess of \$101,000 in fees for these services in 1990 over the 1999 charges of \$101,200 us required.  Federal Telecomaunications System (FTS)	Morkymars		:		:		:	·	:	
3 3 3 3	Porm.		:		:		÷		:	
	7. GSA recurring reimbursable servicus	Reimbursable payments are made to GSA for heating, ventilation, and air conditioning provided in excess of normal working hours. An estimated 1.1 percent increase of \$101,000 in fees for these services in 1990 over the 1989 charges of \$9,182,000 is required.		In 1986, GBA authorized a 16 percent increase in PTS Intercity costs. This increase was mainly due to unanticipated tariff increases. GSA cost estimates for 1990 have continued to climb beyond initial estimates. For 1990, this request includes a 20 percent increase in FTS costs. The actual increase over the 1989 base availability is 24 percent. An increase of \$1,99,000 is requested.		The GPO is currently projecting a four percent increase over the 1989 printing costs of \$1,550,000. An additional \$62,000 would be required in 1990.		Under the Foreign Affairs Administrative Support agreement, an annual charge is made by the Department of State (DOS) for administrative support items. The smount of this charge is affectation by the DOS. The DOS advises that a 10 percent increase in foreign operation costs is anticipated and that services previously provided without cost will be billed for in 1990. The increase of \$281,000 is based on a 1989 base availability of \$893,000.		This request applies ONB pricing quidance as of June 23, 1988, to selected expense categories. The increased costs identified result from applying a factor of 2.1 percent against floor bubbloot chance whose the prices that the Government pays are ontabilished through the market system instead of by the recognition. Generally, the factor is applied to supplies, materials, outlinest controlled the the private sector, framiportation costs, and utilities. Excluded from the computation are alreaded to expense white into the law and already been built into the

Amount (5000) \$2,000		4,000		94,247	-114		-114	\$42,544
1					• • •			· •
HOFKYSAUS		:		119	:		1:	#15-
				1.				15
Porm.		:		1:	:		1:	-637
12. Helocation Income Tax	Public Law 98-151, enauted Novombor 14, 1981, authorizes the roimbursement of all or part of the additional Federal, state, and local income taxus incurred by an employee as a result of reimbursement for certain moving expenses. The \$2,000,000 requested would provide sufficient funding to cover the tax reimbursement in 1990. This funding is based on the projected number of transferred employees cligible to receive the tax reimbursement and the adjusted 1987 costs for the reimbursements. To date, the FBI has received no funding to implement the provisions of P.L. 98-151.	13. Relocation Services	Public Law 98-151 also authorizes Faderal agencies to assist in the costs incurred by transferred employees by contracting for relocation assistance services. Included in the services provided by the contractors is the purchase of the residences of transferred employees. The \$4,000,000 requested would cover the cost of the fees paid to contractors to provide the relocation services. The requested amount is based on the projected number of transferred employees aligible for relocation services in 1990 and the adjusted 1987 fee costs. To date, the FUI has received no funding to implement the provisions of P.I., 98-151.	Total, mandatory increases	Decreases (Automatic non-policy): 1. Pederal Employees' Compensation Act (FECA) - Worker's Compensation	This decrease reflects the billing provided by the Department of Labor for the actual costs in 1988 of employees' accident compensation. The 1990 amount would be \$114,000 under the 1989 base.	Total, decreases	Total, adjustments to hase

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by Grade and Object Class in thousands)
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	1988 Actua	otuel	1989 Estimate	timate	1990 Estimat	inste	Increase/Decrea	ecrease.
Grades and Salary Ranges	Positions (	Amount	Positions (	Amount	Positions 6 Morkyears	Amount	Positions Horkyears	Amount
Executive Lavel II, \$89,500	dd						::	
Level V, 87	~ 5		n ç		'nç		:	
8-17, 975,000 8-17, 975,000 8-17, 875,000	123		123		:23			
5, 857, 158 - 874, 30	308		300		96			
5/GM-14, \$48,591 - \$63,172 5/GM-13, \$41,121 - \$53,460 5-12, \$14,580 - \$44,087	5,580		8,734 104 104		5,479		25. 25. 25. 25. 25.	
1, 528,852 - 537,510 0, 826,261 - 834,131	1,438		1,438		1,303		55	
\$23,646 = \$31,001 \$21,590 = \$28,070	1,123		1,211		1,211		<b>:</b> ;	
-7, 639, 499 - 626, 343.	1,752		1,752		1,846		ā	
815,738 - 820,4 815,738 - 820,4	000		2000		200		-376	
1.41, 412,007, 410,200	, 22, 22, 22, 23,		612		, 613 7		:::	
Total, appropriated positions 22,456	22,456	\$614,198	22,421	\$727,057	21,634	\$754,433	-787	\$27,378
Lapse stated annual rates1,027	-1,027	5,102	-651	-18,378	-580	-46,146	.:.	-27,768
scales for part of the year	21. 429	\$663.174	21.770	\$701.593	21.054	8708.287	-716	26,694
				Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z			- The second second	

Summary of Requirements by Grade and Object Class (continued) Federal Bursau of Investigation Salaries and expenses

Grades and Salary Banges	Horkveers A	Amount	Morkveare Amor	Lingte	Horkyears	timete Mount	Increase/Dec	Decrease Ancunt
Other than permanents Part-time permanent	132	\$2,023	α	\$60\$	ĸ	<b>6</b> 13	:	2
Overtine	300	9,452	267	9,741	267	5,533	:	-4,208
Administratively uncontrollable overtime Other compensation	2,162	56,850	2,252	58,586	2,166	56,351 6.538	-86	-2,237
Total, workyears and parsonnel compensation	24,192	\$742,677	24,391	\$781,826	23,589	\$777,127	-803	-\$4,701
Average Es Salary	:::	(\$80,300) (\$27,563) (8.94)	:::	(\$80,300) (\$27,795) (\$.03)	•	(\$50,300) (\$27,777) (9.02)		

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Pederal Bureau of Investigation

Salaries and expenses
Summary of Requirements by Grade and Object Class (continued)
[Dollars in thousands]

		1988	locus.	1989 E	stimate	1990 Es	timate	Increase	Decreas
ala	Object Class	Horkyears Amount	Amount	HOLKVER	Horkyears Asount	HOFFVORE	Horkveare Amount	Horkyears Amoun	Amoun
17:1	Full-time permanent		\$663,174	21,770	\$701,593	21,054	\$708,287	-716	\$6,69
11:5	other personnel companietion		77,470	2.590	79,839	2.504	68.422	-86	-11.41
	Total, workyears and personnel compensation		\$742,667	24,391	\$781,828	23,589	\$777,127	-803	-\$4,70
2	Relimburgable workyears: Mil-time permahent(1,056)	(1,056)	:	(1,107)	:	(1,744)	:	(637)	:
77	Personnel benefits	:	150,858	:	191,266	:	205,852	:	14,58
2	Benefits to former personnel	:	375	:	361	:	389	:	Ñ
7	Travel and transportation of persons	:	40,053	:	38,565	:	33,413	:	-5,15
77	Transportation of things	:	7,619	:	10,247	:	6,683	:	-1,56
23.1	GBA Bent.	:	77,451	:	92,939	:	94,794	:	1,85
23.2	Mental payments to others	:	6,852	:	7,813	:	11,886	:	4,07
23.3	Communications, utilities and miscellaneous charges		52,332	;	64.441		67.436	:	2.99
24	Printing and Reproduction		2,359	:	2.441	:	2,512		7
2	Other services	:	121,003	:	126,971	:	114,574	:	-12,39
90	Supplies and materials.	:	43,293	:	44,499	:	43,231	:	-1,26
31	Equipment	:	138,793	:	106,254	:	155, 823	:	49,56
32	Lands and structures	:	3,835	:	614	:	150	:	-46
ů.	Insurance claims and indemnities	:	355	:	910	:	908	:	7
ದ	Unvouchered			-	70		70	4.6.4	+
	Motel Obligations	26 240	307 846	25. 40B	345 315 1 111 36 011 046 1 469 1 1 516 346 36	24.33	1.516.746	-165	47.62

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Federal Bureau of Investigation

Seleries and expenses

Summary of Requirements by Grade and Object Class (continued)

	1988	Actual	1989 E	stinate	1990	1988 Actual 1989 Estimate 1990 Estimate Increase/Decrease	Increase.	Decrease
Object Class	Horkveare	Amount	HOLKVAAL	Amount	HOLKVea	O PONTE	MOLKVEALS	AMOUNT
Unobligated balance, start-of-year Unobligated balance, end-of-year Unobligated balance, and-of-year		-\$32,212 40,919 4,940	• • •	-\$40,919 10,900		-610,900		\$30,019
Total requirements	ļ	1,401,492	:	1,439,100 1,505,846	:	1,505,846	:	66,746
Relation of obligations to outlays: Total Obligations. Obligated balance, start-of-year. Obligated balance, and-of-year.		1,387,845	:::	1,469,119 348,450 -354,794	:::	1,516,746 354,794 -429,162		
Adjustments in expired accounts	44 :	-4,202		1.462.775	:	1.442.378		

## 1990 REQUEST

Mr. Smith. Do you have a statement?

Mr. Sessions. Yes, I do.

Members of the subcommittee, and Mr. Chairman, it is once again my pleasure to be here to present the FBI's budget request for fiscal year 1990. I come before you today certain in the knowledge that the budget request for fiscal year 1990 is the minimum

required for the FBI to discharge its duty.

I am equally certain that in view of the ever-increasing, and increasingly difficult responsibilities levied upon the FBI, appropriation of any amount less than what is requested will have a serious adverse impact on the FBI's ability to perform successfully. The increases requested in the fiscal year 1990 budget are modest and are funded to a degree by offsetting reductions in base programs. These increases should be examined in the context of the entire budget request. I am keenly aware of the need for fiscal restraint, and I can assure you that this concern has led to a most careful analysis of our activities and requirements.

Upon close examination, I believe you will agree that the requests advanced in the FBI's fiscal year 1990 budget are absolutely necessary for the accomplishment of the FBI's multi-faceted mis-

For fiscal year 1990, we are requesting a total of \$1.5 billion in direct funding and 21,634 permanent positions. In addition, \$51.6 million in reimbursable resources are anticipated from the Organized Crime Drug Enforcement (OCDE) appropriation. The OCDE resources were included within the FBI appropriation in 1989 but were transferred to the new appropriation pursuant to the Anti-

Drug Abuse Act of 1988.

In the aggregate, the resources directly appropriated or otherwise available to the FBI through reimbursement would be \$1.55 billion or an increase of \$118 million over the 1989 appropriated level. The requested level of direct funding is actually \$66.7 million or 4.6 percent above the 1989 appropriation; however, adjustments to the base totalling \$42.5 million are necessary. These adjustments include an increase in mandatory operating expenses totalling \$94.2 million. This increase includes \$12.2 million, representing the annualization of resources appropriated under the Anti-Drug Abuse Act of 1988.

Base adjustments also include other uncontrollable increases of \$82 million in operating expenses, such as the 4.1 percent pay raise for fiscal year 1989, rent, telephone service, and other inflationary increases. If we are to maintain the current level of operations, it

is essential that we receive these mandatory increases.

The FBI's 1990 budget includes net program increases of \$24.2 million, or 1.6 percent over the 1990 base, and a program decrease

of 150 permanent positions and 198 support workyears.

The program enhancements we are requesting represent resources to continue certain initiatives which the Congress has supported in the past. An analysis of the FBI's activities discloses an increasing reliance on technology in our investigative and administrative operations.

## TECHNICAL FIELD SUPPORT AND EQUIPMENT

In our investigation operations, we are being forced to rely more heavily upon evidence obtained by technical means because in many cases this is the only way to develop probative evidence. This is true in all types of investigations. Our awareness of this trend is reflected in our request for a net increase of \$5.35 million, 57 positions, and 29 workyears in connection with our technical field support and equipment program. This increase includes a request for funding for electronic surveillance equipment to support the use of court ordered and consensual monitoring with transmitters, body recorders, and pen registers.

In addition, this request includes additional funding for the lease of radio antenna tower and microwave repeater sites to support the expansion of the digital voice privacy network, the purpose of which is to prevent the compromise and defeat of ongoing investi-

gative operations.

The importance of having reliable equipment and secure communications cannot be overstated when we are placing our agents in dangerous, often life-threatening situations in an effort to meet the

exacting standards of evidence required of us.

The requested increase in the technical field support and equipment program is funded in part by a program decrease in funding for digital voice privacy radio equipment. As a result of this decrease, the FBI will defer procurment of a portion of this type of radio equipment.

## AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS

Furthermore, the FBI has for some time been in the process of automating certain functions in our field offices and developing an artifical intelligence capability to improve efficiency in complex investigations.

Our continuing commitment to these important projects is demonstrated in the request for a net increase of \$6.6 million, 40 positions, and 20 workyears in connection with the Automated Data

Processing and Telecommunications program.

Included within the requested increase is an enhancement to continue initiatives related to the development of expert systems, in particular, the counterterrorism expert system and the labor racketeering expert system. The requested funding would allow for implementation of each of these systems in three additional field offices.

The positions and workyears requested in both of these programs are for electronics technicians who are needed to install, service, or maintain equipment which supports investigative operations or telecommunications. These personnel increases are more than offset by a reduction of 247 positions and 247 workyears taken in anticipation of economies to be derived from the privatization of certain support functions to be studied pursuant to the Office of Management and Budget Circular A-76.

## OTHER FIELD PROGRAM REQUEST

The FBI is also requesting \$14.3 million for various general and technical equipment categories and research and development in connection with our program captioned "Other Field Programs". This enhancement is necessary to provide adequate inventories of equipment to field investigative and special support personnel and to maintain, repair, and replace existing equipment as needed. General and technical equipment are essential for the effective utilization of sophisticated investigative techniques such as physical surveillance, pen registers, Title III and other electronic surveillance, and undercover operations.

The targets of FBI investigations are becoming increasingly capable in the application of high technology in their unlawful activities. Their greater utilization of increasingly sophisticated technical aids for their activities and for countermeasures against law enforcement efforts requires a greater dedication of resources to FBI research and development. This increased dedication of resources is necessary if the FBI is to maintain the technical edge over its tar-

gets.

### FINANCIAL INSTITUTION FRAUD TASK FORCE PROGRAM

Mr. Chairman, in the past weeks and months much attention has been given to the problems we are experiencing in our nation's financial institutions. The alarming number of failures of banks and savings and loan associations is of particular concern because of their destabilizing effect on the economy. This is especially true when the failure of a bank or savings and loan is caused, in whole or in part, by fraudulent activity on the part of people in positions of trust.

As part of the Administration's initiative to combat fraud in financial institutions, the President announced a three-year program to enhance investigative and prosecutorial resources in the Department of Justice. For the FBI's portion of this initiative, the President will be submitting a 1989 supplemental appropriation request and a budget amendment to the pending 1990 budget request. These requests would provide the FBI with \$23.0 million in new budget authority in 1989 and would amend the 1990 request by \$25.0 million. In 1990, these resources would permit the FBI to hire 236 new special agents and 218 new clerical and professional support employees, nearly half of whom would be accounting technicians.

At present, there are a number of cases requiring immediate investigation because of the imminent lapse of the statute of limitations. Given this urgency, we would like to implement this initiative as quickly as possible. To do so, we will need to transfer some experienced agents to those areas with the most acute problems and begin hiring new investigative and support personnel immediately.

Mr. Chairman, I ask for, and I need, your support for the requested 1990 budget for the FBI, as well as for the proposed 1989 supplemental and 1990 budget amendment. This concludes my prepared remarks.

I would be more than happy to respond to any questions you may have regarding our 1990 budget request or any other matter of concern to this subcommittee.

[The information follows:]

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
STATEMENT OF THE DIRECTOR
WILLIAM S. SESSIONS

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES MARCH 1, 1989

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, IT IS ONCE AGAIN MY PLEASURE TO APPEAR BEFORE YOU TO PRESENT THE FBI'S BUDGET REQUEST FOR FISCAL YEAR 1990. I COME BEFORE YOU TODAY CERTAIN IN THE KNOWLEDGE THAT THE BUDGET REQUEST FOR FISCAL YEAR 1990 IS THE MINIMUM REQUIRED FOR THE FBI TO DISCHARGE ITS DUTY.

I AM EQUALLY CERTAIN THAT IN VIEW OF THE EVER INCREASING, AND INCREASINGLY DIFFICULT, RESPONSIBILITIES LEVIED UPON THE FBI, APPROPRIATION OF ANY AMOUNT LESS THAN WHAT IS REQUESTED WILL HAVE A SERIOUS ADVERSE IMPACT ON OUR ABILITY TO PERFORM SUCCESSFULLY. THE INCREASES REQUESTED IN THE FISCAL YEAR 1990 BUDGET ARE MODEST AND ARE FUNDED TO A DEGREE BY OFFSETTING REDUCTIONS IN BASE PROGRAMS. THESE INCREASES SHOULD BE EXAMINED IN THE CONTEXT OF THE ENTIRE BUDGET REQUEST. I AM KEENLY AWARE OF THE NEED FOR FISCAL RESTRAINT, AND I CAN ASSURE YOU THAT THIS CONCERN HAS LED TO A MOST CAREFUL ANALYSIS OF OUR ACTIVITIES AND REQUIREMENTS.

UPON CLOSE EXAMINATION, I BELIEVE YOU
WILL AGREE THAT THE REQUESTS ADVANCED IN THE FBI'S
FISCAL YEAR 1990 BUDGET ARE ABSOLUTELY NECESSARY FOR
THE ACCOMPLISHMENT OF THE FBI'S MULTI-FACETED
MISSIONS.

FOR FISCAL YEAR 1990, WE ARE REQUESTING A TOTAL OF \$1.5 BILLION IN DIRECT FUNDING AND 21,634 PERMANENT POSITIONS. IN ADDITION, \$51.6 MILLION IN REIMBURSABLE RESOURCES ARE ANTICIPATED FROM THE ORGANIZED CRIME DRUG ENFORCEMENT (OCDE) APPROPRIATION. THE OCDE RESOURCES WERE INCLUDED WITHIN THE FBI APPROPRIATION IN 1989 BUT WERE TRANSFERRED TO THE NEW APPROPRIATION PURSUANT TO THE ANTI-DRUG ABUSE ACT OF 1988.

IN THE AGGREGATE THE RESOURCES DIRECTLY
APPROPRIATED OR OTHERWISE AVAILABLE TO THE FBI
THROUGH REIMBURSEMENT WOULD BE \$1.55 BILLION OR AN
INCREASE OF \$118 MILLION OVER THE 1989 APPROPRIATED
LEVEL. THE REQUESTED LEVEL OF DIRECT FUNDING IS
ACTUALLY \$66.4 MILLION OR 4.6 PERCENT ABOVE THE 1989
APPROPRIATION; HOWEVER, ADJUSTMENTS TO THE BASE
TOTALLING \$42.5 MILLION ARE NECESSARY. THESE
ADJUSTMENTS INCLUDE AN INCREASE IN MANDATORY
OPERATING EXPENSES TOTALLING \$94.2 MILLION. THIS
INCREASE INCLUDES \$12.2 MILLION, REPRESENTING THE
ANNUALIZATION OF RESOURCES APPROPRIATED UNDER THE

ANTI-DRUG ABUSE ACT OF 1988. BASE ADJUSTMENTS ALSO INCLUDE OTHER UNCONTROLLABLE INCREASES OF \$82
MILLION IN OPERATING EXPENSES, SUCH AS THE 4.1
PERCENT PAY RAISE FOR FISCAL YEAR 1989, RENT,
TELEPHONE SERVICE, AND OTHER INFLATIONARY
INCREASES. IF WE ARE TO MAINTAIN THE CURRENT LEVEL
OF OPERATIONS, IT IS ESSENTIAL THAT WE RECEIVE THESE
MANDATORY INCREASES.

THE FBI'S 1990 BUDGET INCLUDES NET PROGRAM INCREASES OF \$24.2 MILLION, OR 1.6 PERCENT OVER THE 1990 BASE, AND A PROGRAM DECREASE OF 150 PERMANENT POSITIONS AND 198 SUPPORT WORKYEARS. THE PROGRAM ENHANCEMENTS WE ARE REQUESTING REPRESENT RESOURCES TO CONTINUE CERTAIN INITIATIVES WHICH THE CONGRESS HAS SUPPORTED IN THE PAST. AN ANALYSIS OF THE FBI'S ACTIVITIES DISCLOSES AN INCREASING RELIANCE ON TECHNOLOGY IN OUR INVESTIGATIVE AND ADMINISTRATIVE OPERATIONS. IN OUR INVESTIGATIVE OPERATIONS, WE ARE BEING FORCED TO RELY MORE HEAVILY UPON EVIDENCE OBTAINED BY TECHNICAL MEANS BECAUSE IN MANY CASES THIS IS THE ONLY WAY TO DEVELOP PROBATIVE EVIDENCE. THIS IS TRUE IN ALL TYPES OF INVESTIGATIONS. OUR AWARENESS OF THIS TREND IS REFLECTED IN OUR REQUEST FOR A NET INCREASE OF \$5.35 MILLION, 57 POSITIONS, AND 29 WORKYEARS IN CONNECTION WITH OUR TECHNICAL FIELD SUPPORT AND

EQUIPMENT PROGRAM. THIS INCREASE INCLUDES A REQUEST FOR FUNDING FOR ELECTRONIC SURVEILLANCE EQUIPMENT TO SUPPORT THE USE OF COURT ORDERED AND CONSENSUAL MONITORING WITH TRANSMITTERS, BODY RECORDERS, AND PEN REGISTERS. IN ADDITION, THIS REQUEST INCLUDES ADDITIONAL FUNDING FOR THE LEASE OF RADIO ANTENNA TOWER AND MICROWAVE REPEATER SITES TO SUPPORT THE EXPANSION OF THE DIGITAL VOICE PRIVACY NETWORK, THE PURPOSE OF WHICH IS TO PREVENT THE COMPROMISE AND DEFEAT OF ONGOING INVESTIGATIVE OPERATIONS. THE IMPORTANCE OF HAVING RELIABLE EQUIPMENT AND SECURE COMMUNICATIONS CAN NOT BE OVERSTATED WHEN WE ARE PLACING OUR AGENTS IN DANGEROUS, OFTEN LIFETHREATENING SITUATIONS IN AN EFFORT TO MEET THE EXACTING STANDARDS OF EVIDENCE REQUIRED OF US.

THE REQUESTED INCREASE IN THE TECHNICAL FIELD SUPPORT AND EQUIPMENT PROGRAM IS FUNDED IN PART BY A PROGRAM DECREASE IN FUNDING FOR DIGITAL VOICE PRIVACY RADIO EQUIPMENT. AS A RESULT OF THIS DECREASE, THE FBI WILL DEFER PROCUREMENT OF A PORTION OF THIS TYPE OF RADIO EQUIPMENT.

FURTHERMORE, THE FBI HAS FOR SOME TIME
BEEN IN THE PROCESS OF AUTOMATING CERTAIN FUNCTIONS
IN OUR FIELD OFFICES AND DEVELOPING AN ARTIFICIAL
INTELLIGENCE CAPABILITY TO IMPROVE EFFICIENCY IN
COMPLEX INVESTIGATIONS. OUR CONTINUING COMMITMENT

TO THESE IMPORTANT PROJECTS IS DEMONSTRATED IN THE REQUEST FOR A NET INCREASE OF \$6.6 MILLION,

40 POSITIONS, AND 20 WORKYEARS IN CONNECTION WITH THE AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS PROGRAM. INCLUDED WITHIN THE REQUESTED INCREASE IS AN ENHANCEMENT TO CONTINUE INITIATIVES RELATED TO THE DEVELOPMENT OF EXPERT SYSTEMS, IN PARTICULAR, THE COUNTERTERRORISM EXPERT SYSTEM AND THE LABOR RACKETEERING EXPERT SYSTEM. THE REQUESTED FUNDING WOULD ALLOW FOR IMPLEMENTATION OF EACH OF THESE SYSTEMS IN THREE ADDITIONAL FIELD OFFICES.

THE POSITIONS AND WORKYEARS REQUESTED IN BOTH OF THESE PROGRAMS ARE FOR ELECTRONICS
TECHNICIANS WHO ARE NEEDED TO INSTALL, SERVICE, OR MAINTAIN EQUIPMENT WHICH SUPPORTS INVESTIGATIVE
OPERATIONS OR TELECOMMUNICATIONS. THESE PERSONNEL
INCREASES ARE MORE THAN OFFSET BY A REDUCTION OF 247
POSITIONS AND 247 WORKYEARS TAKEN IN ANTICIPATION OF ECONOMIES TO BE DERIVED FROM PRIVATIZATION OF
CERTAIN SUPPORT FUNCTIONS TO BE STUDIED PURSUANT TO
OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.

THE FBI IS ALSO REQUESTING \$14.3 MILLION
FOR VARIOUS GENERAL AND TECHNICAL EQUIPMENT
CATEGORIES AND RESEARCH AND DEVELOPMENT IN
CONNECTION WITH OUR PROGRAM CAPTIONED *OTHER FIELD
PROGRAMS.* THIS ENHANCEMENT IS NECESSARY TO PROVIDE

ADEQUATE INVENTORIES OF EQUIPMENT TO FIELD INVESTIGATIVE AND SPECIAL SUPPORT PERSONNEL AND TO MAINTAIN, REPAIR, AND REPLACE EXISTING EQUIPMENT AS NEEDED. GENERAL AND TECHNICAL EQUIPMENT ARE ESSENTIAL FOR THE EFFECTIVE UTILIZATION OF SOPHISTICATED INVESTIGATIVE TECHNIQUES SUCH AS PHYSICAL SURVEILLANCE, PEN REGISTERS, TITLE III AND OTHER ELECTRONIC SURVEILLANCE, AND UNDERCOVER OPERATIONS. THE TARGETS OF FBI INVESTIGATIONS ARE BECOMING INCREASINGLY CAPABLE IN THE APPLICATION OF HIGH TECHNOLOGY IN THEIR UNLAWFUL ACTIVITIES. THEIR GREATER UTILIZATION OF INCREASINGLY SOPHISTICATED TECHNICAL AIDS FOR THEIR ACTIVITIES AND FOR COUNTERMEASURES AGAINST LAW ENFORCEMENT EFFORTS REQUIRES A GREATER DEDICATION OF RESOURCES TO FBI RESEARCH AND DEVELOPMENT. THIS INCREASED DEDICATION OF RESOURCES IS NECESSARY IF THE FBI IS TO MAINTAIN THE TECHNICAL EDGE OVER ITS TARGETS.

MR. CHAIRMAN, IN THE PAST WEEKS AND
MONTHS MUCH ATTENTION HAS BEEN GIVEN TO THE PROBLEMS
WE ARE EXPERIENCING IN OUR FINANCIAL INSTITUTIONS.
THE ALARMING NUMBER OF FAILURES OF BANKS AND SAVINGS
AND LOAN ASSOCIATIONS IS OF PARTICULAR CONCERN
BECAUSE OF THEIR DESTABILIZING EFFECT ON THE
ECONOMY. THIS IS ESPECIALLY TRUE WHEN THE FAILURE
OF A BANK OR SAVINGS AND LOAN IS CAUSED, IN WHOLE OR

IN PART, BY FRAUDULENT ACTIVITY ON THE PART OF PEOPLE IN POSITIONS OF TRUST.

AS PART OF THE ADMINISTRATION'S
INITIATIVE TO COMBAT FRAUD IN FINANCIAL
INSTITUTIONS, THE PRESIDENT ANNOUNCED A THREE-YEAR
PROGRAM TO ENHANCE INVESTIGATIVE AND PROSECUTORIAL
RESOURCES IN THE DEPARTMENT OF JUSTICE. FOR THE FBI
PORTION OF THIS INITIATIVE, THE PRESIDENT WILL BE
SUBMITTING A 1989 SUPPLEMENTAL APPROPRIATION REQUEST
AND A BUDGET AMENDMENT TO THE PENDING 1990 BUDGET
REQUEST. THESE REQUESTS WOULD PROVIDE THE FBI WITH
\$23.0 MILLION IN NEW BUDGET AUTHORITY IN 1989 AND
WOULD AMEND THE 1990 REQUEST BY \$25.0 MILLION.
THESE RESOURCES WOULD PERMIT THE FBI TO HIRE 236 NEW
SPECIAL AGENTS AND 218 NEW CLERICAL AND PROFESSIONAL
SUPPORT EMPLOYEES, NEARLY HALF OF WHOM WOULD BE
ACCOUNTING TECHNICIANS.

AT PRESENT THERE ARE A NUMBER OF CASES
REQUIRING IMMEDIATE INVESTIGATION BECAUSE OF THE
IMMINENT LAPSE OF THE STATUTE OF LIMITATIONS. GIVEN
THE URGENCY, WE WOULD LIKE TO IMPLEMENT THIS
INITIATIVE AS QUICKLY AS POSSIBLE. IN ORDER TO DO
SO, WE WOULD NEED TO TRANSFER SOME EXPERIENCED
AGENTS TO THOSE AREAS WITH THE MOST ACUTE PROBLEMS
AND BEGIN HIRING NEW INVESTIGATIVE AND SUPPORT
PERSONNEL IMMEDIATELY.

MR. CHAIRMAN, I ASK FOR, AND I NEED, YOUR SUPPORT FOR THE REQUESTED 1990 BUDGET FOR THE FBI, AS WELL AS FOR THE PROPOSED 1989 SUPPLEMENTAL AND 1990 BUDGET AMENDMENT. THIS CONCLUDES MY PREPARED REMARKS. I WOULD BE MORE THAN HAPPY TO RESPOND TO ANY QUESTIONS YOU MAY HAVE REGARDING OUR 1990 BUDGET REQUEST OR ANY OTHER MATTER OF CONCERN TO THIS SUBCOMMITTEE.

Mr. Smith. Well, I thank you for your statement. I would like to point out that we are in executive session so we can discuss classified programs. We will delete any classified or sensitive discussions from the official record.

Mr. Sessions. Yes, sir.

## THE FBI'S 1990 REQUEST TO OMB

Mr. Smith. What was your request to OMB?

Mr. Sessions. I can talk with you specifically about that. The 1990 program increase requested of OMB included 852 special agent positions, 1,522 support positions, 2,374 total positions, and \$247.229 million in budget authority. The program increase differences between the request to OMB and the OMB final allowance were: 852 speical agents and 1,425 support positions, that is 2,277 total positions, and \$200,590,000 in budget authority.

Mr. Smith. You didn't fare very well, did you?

Mr. Sessions. Well, Mr. Chairman, this may sound self-serving. I went forward with a budget that I thought was absolutely sound. There are considerations that OMB has and constraints were there.

Mr. Smith. Last year, due to budget constraints, we had to agree to a \$65 million reduction from what you requested. Are you going to ask for a supplemental?

Mr. Sessions. That is my understanding in connection with the Financial Institution Fraud Initiative, yes, sir.

Mr. Smith. I wonder where the money is coming from. This amendment they are sending up, they will have to find offsets someplace?

Mr. Sessions. The President said it would be \$50 million, and the FBI's part of that would be approximately \$23 million for 1989, as I

Mr. Smith. I hope they also accompany that with an offset.

Mr. Sessions. My concern, as I am sure yours was, was that it was obvious in a \$126 billion loss there would be a great deal of potential illegal conduct that caused that loss. It seems to me it needs to be pursued.

### THE FBI'S 1990 AUTHORIZATION BILL

Mr. Smith. There is bound to be.

What is the status of your FY 1990 authorization? Have you submitted an authorization proposal and are you scheduled to go to the committee?

Mr. Sessions. Mr. Brixey.

Mr. Brixey. The Department has submitted an authorization bill to OMB. As you know, we have not had one passed since 1980. We will be appearing before the House Judiciary Committee.

Mr. Smith. Are you scheduled yet?

Mr. Brixey. We are, but I don't know what the date is.

Mr. Sessions. I don't recall the date either.

Mr. Smith. I wish you could get an authorization because we have had to be both the authorizing and appropriating committee. It would be better if some of these things we fight about in the appropriations bill were instead fought out in the authorization bill.

#### ANTI-DRUG ABUSE ACT OF 1988

What change has the new drug legislation caused you or what change will it cause you in your operation?

Mr. Sessions. If I may go back with you, this may sound self-

serving but I want you to have that information.

When the D'Amato-DeConcini Bill was moving last year, it was my belief that because the FBI was not funded in the prior two years with any additional drug resources that I should ask for

something related to reality.

So, I submitted a request for approximately 400 agents, 402 support people and \$38 million as part of a three-year request that would bring the FBI approximately 1,000 agents. The rationale behind doing that was because I knew with the resources the FBI had and the understanding of it was that we were able to address approximately 40 percent of the major drug trafficking organizations, which we were charged with trying to dismantle. I needed to go with a budget that could allow us to build, hire those agents, train them, and put them on-line. We actually gained approximately \$27 million, of which \$15 million ended up being funded in fiscal year 1989. We were able to hire approximately 61 agents and 81 support people in 1989. That was the extent of that \$15 million.

Mr. Smith. Are there any changes in the way you operate or how

you dovetail with other agencies as a result of that bill.

Mr. Sessions. No. It simply allows the FBI to extend our coverage of those major drug trafficking organizations. That is what is the FBI's National Drug Strategy. It's focus is directed at the major drug trafficking organizations. You saw what occurred in the Whitemare case in New York last week. We were fortunate to seize 820 pounds of pure heroin and \$5 million in cash.

It takes those long-term investigations to comply with a National Drug Strategy to attempt to dismantle those drug organizations and present sufficient evidence to prove it is a criminal drug enterprise. The FBI can address a few more, but it is a nominal percent-

age.

## FBI PERSONNEL

Mr. Smith. You talk in numbers of personnel, but as a matter of fact, you have a program decrease in permanent personnel; correct?

Mr. Sessions. That is correct overall. In terms of agents in the 1990 budget, in 1989 we had 9,715 special agent positions. 12,706 support positions for a total of 22,421 positions. For fiscal year 1990, the FBI will have 21,634 total positions or 787 positions below the fiscal year 1989 level.

## A-76 REDUCTIONS

Mr. Smith. Exactly what impact is that decrease?

Mr. Sessions. Less ability to do the job we are doing, that is being able to maintain the strength to do those things. In the area of A-76 reductions, I sat down and marked on the margins of my own material where I felt the impact would fall from those shortfalls. If you do not have the agents and the support personnel, and

let me talk for a minute about support personnel because they are

on my mind.

If you take those A-76 reductions which are required, and they are, I think the FBI would experience delays in name checks—those, of course, are routinely forwarded by the thousands to us fingerprints identifications, delay in Freedom of Information Act responsibilities which I think would increase inquiries from the Congress and the public. The FBI would risk a potential security compromise if that obligation was contracted away from the FBI itself. Of course, the FBI has the ever-increasing problem of actually entering data into its systems. That is true across-the-board. That is not just true with the identification and data processing people. It is true with all the operational undertakings, the expert systems like "Big Floyd," the organized crime information system. The input of data is essential

Mr. Smith. In other words, it would have impact on services to

State and local governments?

Mr. Sessions. I think it would. I don't know at this point that it would impair the National Crime Information Center (NCIC).

Mr. Brixey may have a comment on that. Mr. Brixey. Not NCIC. Out of the large number of reductions in positions, a substantial portion of that, 637, is the OCDE transfer out which the FBI would get back under reimbursable agreements. The effect of the reductions is much less than the 787 positions.

Mr. Sмітн. What is that?

Mr. Brixey. A net reduction of one hundred fifty, Mr. Chairman.

Mr. SMITH. That is what I was referring to, the net reduction.
Mr. BRIXEY. It is the OMB circular A-76 reductions which make that up. Those fall into the areas Director Sessions just mentioned. Mr. Smith. Mr. Rogers?

# SUMMATION OF POSITION REDUCTIONS

Mr. Rogers. Welcome, Mr. Director and staff.

Mr. Sessions. Thank you.

Mr. Rogers. In 1989 you have a reduction of 393 positions; right?

Mr. Sessions. That is correct.

Mr. Rogers. In 1990 you will have another 150; correct?

Mr. Sessions. That is correct.

Mr. Rogers. How many of the current 393 positions cuts in fiscal year 1989 were subject to efficiency studies?

Mr. Sessions. That I don't know, but the information is there.

Mr. Brixey, do you have that information? Those studies are continuing, but I don't know which were subject to it.

Mr. Brixey. It is 247. We have done three studies of warehousing, maintenance, and library, the combination of which is slightly in excess of 300.

Mr. Rogers. Can you project over the next four to five years how many more would be reduced?

Mr. Sessions. Precisely 350. The actual figure is 1,316 positions that would be reduced by 1994.

Mr. Rogers. So the impact is getting more and more severe; cor-

Mr. Sessions. That is correct.

## THE FBI'S 1990 REQUEST TO CONGRESS

Mr. Rogers. Unless something is done. Well your request provides a total increase of \$66.7 million, which is a 4.6 percent increase over your current appropriation. How will that affect your

operations?

Mr. Sessions. Let me talk about the increases generally. On the expert system, the FBI would be able, with that \$13,631,000 to increase by 40 positions. The FBI would be able to continue the development of the labor racketeering support subject to identification with \$6.5 million of that. The requested increase allow for the lease of certain communications circuits that serve as the telecommunications link between field officers and regional centers with \$6.13 million. The request would provide 40 additional electronic field technicians to service telecommunications equipment at a cost

of about \$1 million.

On the technical equipment and radio sites and technicians portion, the FBI would increase by 57 positions and \$9.695 million. That would allow the FBI to use fiber optic systems, automated and body worn for \$1,890,000. The FBI would lease 1,445 microwave repeater sites needed to support the digital voice privacy system. That is a \$5.115 million price tag. The FBI requires 87 vehicles for surveillance at a cost of \$1,186,000. This request would provide technicans to service and maintain radio systems and technical equipment, \$1,350,000. We will maintain engineers to reduce the backlog of forensic examinations for \$154,000. Included in that is other field program equipment which I discussed briefly in my opening statement.

# IMPACT OF A-76 REDUCTIONS

Mr. Rogers. What I would rather hear is the overall impact.

With this small increase from last year what will this prevent you from doing that you think needs to be done in a broad sense?

Mr. Sessions. The A-76 productivity reductions would result in the loss of 247 support positions. Those are targeted to have 129 support positions reduced in records management, activities which directly affect the FBI's ability to respond both investigatively and from outside inquiries.—It would reduce 118 support positions in fingerprint identification services. There is no question that part of that would be covered by better productivity.

But again the time factor is ever-widening for being able to respond in the automated identification system. We talked about that extensively when I was here a year ago. I hoped, prayed and believed that I would be able to be on-line. Larry York, who is in the room, indicated that will would be on-line about the 25th of April.

Mr. Rogers. Mr. Early will ask you about that.

Mr. Sessions. I hope he does. I hope Mr. York is back there so we can respond in detail. I was very interested in knowing what it would take to come on-line with those systems and particularly the automated latent system, which you know is not in this budget. The Field Office Information Management System, (FOIMS) would be reduced by \$7 million. That would require the full complement of 8,800 computer stations the FBI now has. The FBI would not acquire the full number. This would delay the planned replacement

of 1,800 computer stations by 1991 which are at the end of their useful life.

I think the workstation life is in the five- or six-year range and the replacement is absolutely essential. The FBI would delay the implementation of the FBI's long range strategy associated with that.

## NEW YORK COST-OF-LIVING ALLOWANCE

Mr. ROGERS. I know last year we talked about the turnover rate of agents in the New York field office. Have you done anything about that?

Mr. Sessions. Yes, we have. I would express gratitude to the subcommittee for their support in that regard. The New York cost-of-living increase is now in place as of October, 1988. Funding for that pilot demonstration project again comes out of the FBI's our hide. It will cost \$17.8 million this year and a little more next year. That project has had a dramatic impact on the FBI's ability to actually staff that office and bring FBI Special Agent strength nearly to the appropriate level. I don't know precisely how much the New York office is under staffed, but someone here may know that figure. The increase has been dramatic. We still have not taken care of 550 support positions which have caused a problem and which the FBI working on with other committees.

Mr. Rogers. The agents get a bonus, is that is?

Mr. Sessions. That is correct. Persons who come into the New York City area, who are moved to the area and are on that schedule get a \$20,000 bonus immediately and a 25 percent increase over base pay from the moment they report to the office.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Smith. Mr. Early?

Mr. EARLY. Mr. Director, it is a pleasure to have you back. As a member of this Committee, I would like to see the FBI get back on track as the best law enforcement agency in the world, which I don't think they are now.

I don't think this budget allows you to do that. This budget would be adequate for a few years ago when we restricted your responsibilities. I think the FBI is the best there is. You, as Director for the last two years, in terms of bringing us up to date electronically, are the best.

I don't think there is anybody better than the FBI on combatting domestic terrorism. If asked, would you be able to take us to your computers and have them spit out the names on that list?

### DOMESTIC TERRORISM

Mr. Sessions. With that information system, you can, yes, sir.

Mr. EARLY. You have reduced domestic terrorism. I am a firm believer in prevention.

Mr. Sessions. So am I.

Mr. EARLY. I think you are preventing things now, but it is going to explode.

Mr. Sessions. I hope not.

#### FINANCIAL INSTITUTIONAL FRAUD

Mr. Early. About 14 years ago, Mr. Chairman, when I was starting in Congress, bank robbery was a big consideration. Do you consider bank fraud to be bank robbery?

Mr. Sessions. Not as such, but as I said, the Nation's losses to forcible taking of money by robberies was \$30 million a year, but

the losses, because of fraud were in the billion-dollar range.

Mr. Early. I can't believe that if we had the Congress, and all the Presidents, both Democrats and Republicans, investigating these frauds, I can not believe the savings and loans could have beaten us out of over \$100 billion.

Mr. Sessions. You are correct. Since 1982, white-collar crime,

that particular part, has suffered a reduction of 104 agents.

Mr. EARLY. And now we are paying for that. It has not been a savings.

Mr. Sessions. I think you are right.

# YOUTH GANGS, ORGANIZED CRIME, AND DRUGS

Mr. Early. I cannot believe the S&L situation would have happened like it did if the FBI was working with the same number of agents involved in drugs. My personal feeling is that you should not be in drugs.

In organized crime no one has done better than the FBI in the last 10 years. Now, these youth gangs, are they considered orga-

nized crime?

Mr. Sessions. They are not treated as organized crime, but they are dealt with by the FBI Bureau in terms of their movements, not just drugs, but the violence associated with it.

Mr. EARLY. I look at them as organized crime. I cannot understand how 16 and 25-year-old kids in L.A. can get up to Massachu-

setts.

Mr. Sessions. They do it.

Mr. Early. Wouldn't we be better off if you went to the authorizing committee and said, if you are not going to give the FBI more money, then restrict us to terrorism, bank fraud, organized crime and kidnapping.

#### INTERNATIONAL KIDNAPPING RESPONSIBILITIES

Here is a specific question. Kidnapping used to be the FBI jurisdiction. Do you have any jurisdiction over the Americans kidnapped in Beirut?

Mr. Sessions. We do if they are taken as hostages.

Mr. EARLY. I have not seen the FBI play any role in that.

Mr. Sessions. We gained the jurisdiction in 1988. At this moment, as I speak, Fawaz Younis is on trial here. The FBI went to the Eastern Mediterranean and captured him and he is on trial now.

Mr. Early. You should expose the politicians who are not supporting you, even the President. We are not giving you money to do these things. Sure, drugs is the Number 1 crime, but you don't have the money to handle all of your responsibilities.

#### ORGANIZED CRIME

I think the FBI considers organized crime as only being the Mafia, but it is broader than that. I think you have done a great job in getting to the Mafia families, but it has expanded beyond just them.

If we don't give you the money you need, then we should restrict your role. It is not fair to you and it is not fair to the American

Mr. Sessions. I agree on the need for additional funding. Let me discuss the role of the FBI Bureau in the drug area.

# DRUG LAW ENFORCEMENT

The FBI acquired title 21 jurisdiction in 1982 when former Attorney General William French Smith decided the FBI should have it. The reason it was decided was because the Bureau focused in its open operations in every area. We found that drugs were involved. That is when it happened.

In 1985, the FBI set out to define a National Drug Strategy that would take the FBI into the structures of organizations that were major drug traffickers. That is the focus of the strategy.

Mr. EARLY. I agree with you, but when you were into organized crime looking at the Mafia, you caught them loan-sharking and went after them. If you found them in the drug dealing, fine, but, Mr. Director, if we are honest, we are not going to be able to give you any more money in this budget. We are probably going to give you less. Why don't we do something bold and restrict you. Just say you cannot investigate the Colombia cartel.

You don't have enough money to do it all. Rather than doing what you are doing now, why don't we restrict you to organized crime, bank robbery, bank fraud and kidnapping?

I think if you had not been involved in drugs that on the kidnapping you would have pursued it more. [Deleted.]

### **AUTOMATION**

Mr. EARLY. I think you have done better than any other group on computerizing. You are attacking organized crime pretty well. You are doing a good job of preventing terrorism. This budget is not honest. You are not going to get the money you need, Mr. Di-

Mr. Sessions. As to the importance of the FBI being in the drug field with the strategy, it is a strategy that is almost an overlay of the organized crime strategy; that is to take out those operations. I know of no agency that is better equipped to do that very limited part.

That is where we fall. That is the linchpin of the strategy. That is where, for instance, Whitemare gave us that Asian organized crime group, 31 of them, \$1 billion worth of heroin, and that is where it came from.

Mr. Early. Do you think there are any Mafia families not in-

volved in drugs?

West,

Mr. Sessions. That, I could not tell by definition, but Mr. Clarke is here.

Mr. Clarke. There may be some elements. There are over 400 known LCN members identified.

Mr. EARLY. How long have you been with the Bureau?

Mr. Clarke. Twenty-five years.
Mr. Early. Twenty-five years ago, would you be allowed to pursue them as organized crime?

Mr. CLARKE. Certainly.

## DEA AND FBI RESPONSIBILITIES IN DRUG LAW ENFORCEMENT

Mr. REGULA. Mr. Director, yesterday we heard the Attorney General talking about the drug problem. How do you define the areas of responsibility between DEA and the FBI in dealing with the drug problem? Is there some clear set of criteria that makes that determination?

Mr. Sessions. I think they are clear. DEA is the lead drug investigative agency which represents about 55 percent of the drug investigative dollars while the FBI represents approximately 15 percent. But they have a world-wide responsibility, everything from eradication to dealing with pharmaceuticals. The FBI's responsibility is very precise.

As I indicated to Congressman Early, the FBI focuses its investigative resources on major drug trafficking organizations. When we work in the joint drug plan, we have to take them out. The FBI

always targets drug organizations.
It tends to keep the FBI off the street. It does not involve the FBI in many of the international aspects, but all of that is directed perfectly in that area. If Jack Lawn were sitting beside me, he would say, yes, that is their strategy, and that is where it is directed.

Mr. REGULA. So you have worked out this guideline for areas of responsibility with the Justice Department and DEA so each understands as clearly as possible to achieve what each agency would

Mr. Sessions. I would say that is absolutely true operationally. Mr. Clarke, head of the Criminal Investigative Division is here.

Mr. REGULA. Do you respond to requests from DEA or do they say to you this situation requires your involvement?

Mr. CLARKE. There are several circumstances. The Organized Crime Drug Enforcement task forces exist. They are operating in

In addition, there are what Jack Lawn and I have put together cities with joint drug plans: Miami, New York, Chicago, Houston, San Diego, and L.A. In those areas, plans are devised by the Special Agents in Charge as to how most effectively, with DEA and FBI resources, to get to those drug trafficking organizations.

That has been approved by FBI Headquarters. It keeps the FBI

and DEA in a cooperative stance in those major cities.

Mr. REGULA. You avoid duplication of effort?

Mr. Sessions. Sometimes there is duplication of effort. Sometimes there is conversation about turf battle. However, Jack Lawn and I are on the same frequency. We insist on cooperation. You have two energetic organizations, both of them pursuing drug investigations diligently. I think that requires careful coordination, and that is what you are talking about.

Mr. Smith. They report to you?

Mr. Sessions. Actually, the requirement is that the DEA reports to the Attorney General through me. That has never been formalized, Mr. Chairman. I have asked the Attorney General how he wants to have that formalized. It has never been. It seems to me that if, in fact, I am going to be responsible for reporting on the DEA, that I am going to have to be more involved than I am. I don't know what the Attorney General will do. I have simply said the decision needs to be made, and I think the Attorney General will make it.

#### USER FEES CONCEPT

Mr. REGULA. One other question, Mr. Chairman.

We hear a lot about user fees. I note in your statement, language is requested for authority to charge a fee for expenses incurred with production of fingerprints and name checks of employees of private-sector contractors with classified government contracts. How many fingerprints and name checks are done by the FBI on a yearly basis? What would be the proposed fee and what would you expect to generate by way of revenues?
Mr. Sessions. Mr. York is here.
Can you tell the Congressman?

Mr. YORK. The number of checks the FBI does every year in that regard would be in a civil area or noncriminal area. That comes out to a little over 4 million dollars a year. Not all of those would be subject to a user fee. These would just be government contractors. The proposal that was sent up, I believe, from OMB would allow us to charge a \$14 fee for certain government contractors to handle a fingerprint check as opposed to a name check.

Mr. REGULA. What do you think this would generate in reve-

Mr. York. I don't have those figures with me.

Mr. Brixey. Approximately \$1.9 million.

Mr. Early. Last year, Mr. Director, you requested \$6 million for automated fingerprinting. Did that happen?

Mr. Sessions. It came close; we hope by April 24 the FBI will be on that.

Mr. York. The FBi didn't get the money.

Mr. EARLY. It was with this Committee. You didn't end up with that?

Mr. York. No, sir. The FBI has a contract due to be completed at the end of next month.

Mr. Sessions. That is April 24?

Mr. York. Our contractors advised the FBI based on their software development, they should be able to turn the system over around the 24th of next month.

Mr. REGULA. Would this require authorization in the language in the statute or can you, can we deal with it in this committee, a user fee concept?

Mr. Sessions. I believe that you can.

Mr. REGULA. Are there other areas where we could contemplate user fees? It seems to me this is one of the ways it would help to beef up your budget.

Mr. Sessions. Let me talk specifically on the identification area. The Department of Justice people are here with me today. They know the Automated Latent System requires \$21 million the first year and \$17 million the next year, with that system it would give us the capability to identify certain criminals. I think personally it was placed where it should have been as a number one priority in the FBI's budget request for 1990. The Department of Justice hung with me all the way to OMB. As it turned out, we lost at OMB. But that system would allow the FBI to use its 20 million crimi-

But that system would allow the FBI to use its 20 million criminal card base to take and identify a fingerprint in a rapid-fire sequence from a highway patrolman out there in Arizona. That capability exists in California, Florida and other places where those Automated Latent Systems are coming on line. It seems to me, my own philosophy, the FBI being the leader in identification in this country should have the latent system. I was instructed by OMB to not come back until I contemplated a study of the possibility of having States pay user fees or some fees for that service.

I personally think that is a problem, but I will pursue it. I think it is a problem because we don't operate that way. That is to charge for what we actually do. It seems to me in order to operate that system, it needs to be funded at \$21 million, and that for what

we get it is a very good price.

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### POTENTIAL FOR CHARGING STATES

Mr. Regula. Why shouldn't the States pay for a service that is

going to enhance their law enforcement capability?

Mr. Sessions. The Federal Government gains a lot by our relationship with the States. For instance, with the police departments, if the FBI is going to charge, they are going to charge. When the FBI requests records, they are going to charge. The FBI has access that is invaluable to us. It begins a war, charge, charge, charge, charge, charge, charge.

Bookkeeping, balancing accounts, all those things which I think

makes a lot of sense to stay away from.

Mr. REGULA. Thank you, Mr. Chairman.

## TELEMARKETING FRAUD

Mr. Smith. Mr. Carr?

Mr. CARR. Thank you, Mr. Chairman.

I particularly like your answer to the last question. I would like to ask you a couple of questions that deal with telemarketing fraud. The FTC has estimated in 1988 the losses from telemarketing fraud were over \$1 billion. This is a variation on the bank robbery thing as more and more banking is carried out through telemarketing itself.

I notice you said that bank robberies were about \$30 million a

year and bank fraud was \$1 billion a year.

Mr. Sessions. That was back when I became director. That is about right.

Mr. CARR. You weren't talking about telemarketing fraud?

Mr. Sessions. No.

Mr. CARR. Which is another billion, according to the FTC. That is what their estimate is, anyway.

M. J.

Can you just share with us some of your activities in the area of telemarketing fraud?

Mr. Sessions. Mr. Clarke is here and Mr. Bayse is here. They

will be able to.

Mr. CLARKE. The FBI doesn't have a specific program dealing with telemarketing fraud as such. There are a number of boiler-room type operations around the country that are engaged in fraudulent activity in an organized fashion, and the FBI has a number of investigations dealing with those groups, in terms of collecting statistics or having parameters on the magnitude of that particular problem.

Mr. CARR. What about your efforts in combating telemarketing

fraud?

Mr. CLARKE. The FBI does not have a program to deal with tele-

marketing fraud.

Mr. Sessions. I would appreciate your developing that for me, Congressman, and I would be glad to look at it and respond to you on it.

Mr. CARR. I will do that. It is a lot of money. I know the Attorneys General of Maryland and New York have been doing some things in this particular area where people are gold-card laundering or doing these automatic dialing scams that dial into people's homes. They offer people gold cards and tell them that they are going to receive one. If you don't hang up before three seconds or something, it costs you \$50 bucks.

Mr. CLARKE. I think you are talking about something that cuts

across the gamut of the FBI's programs.

In the penny stock market, they use a telephone soliciting process to solicit investors. There are a number of these boiler-room operations where there are get-rich-quick type frauds. Those are han-

dled within the white-collar crime program.

The FBI collects certain statistics on the nature of frauds in that area, but it is only in terms of the cases that we are actually addressing. If the FBI receives an individual consumer complaint, we would not respond to that individually, but we do catalog and keep the information. As it fits into an ongoing investigation or we begin to see a pattern of activity indicating that you have an organization, then we would, in fact, investigate it. The FBI has had some substantial successes in both Florida and, with the successes there drove some of these operators into Southern California. At present, the FBI has active investigations out in the Southwestern part of the United States going on. But this telephone—the use of the telephone is used in a number of different swindles, fraud types of activities—the FBI doesn't just collect information in terms of a crime committed by using the telephone in fraud, it is throughout the entire white-collar crime program.

#### ECONOMIC CRIME INDEX

Mr. CARR. I understand you have approved the Economic Crime Index. What is that, a computerized central clearinghouse on information concerning fraud investigations?

Mr. CLARKE. It has not been fully approved or implemented. The Economic Crime Index is a proposal to have a pointer system that

would track individuals who were perpetrating this type of crime that you are talking about, all of these criminals in the whitecollar crime area.

If a local police department has an individual that they were concerned about and actually open an investigation, they would enter that investigation into the computer. The computer would then collate that with any other prior entries and tell a police department in Phoenix, for example, "You should contact the police department in Baltimore, Maryland."

It would not supply any information, but it would point out to them that there has been a prior case opened that may be common

to theirs.

There has been some difficulty in putting that on line in terms of privacy and civil rights aspects. That particular system is not on line.

Mr. CARR. Is that a Justice Department project or is that FBI? Mr. CLARKE. That is FBI. It was generated through a committee that is chaired by the Department of Justice dealing with economic crime.

There is an economic crime committee that is made up of the Justice Department, U.S. Attorneys, FBI, and people from other agencies. That was a recommendation that came out of that committee.

Mr. CARR. Is it your intent to implement it or is it on hold? What is the status of it?

Mr. Sessions. I believe it is on hold.

Mr. CLARKE. It is on hold.

Mr. CARR. It is not part of your funding request this year?

Mr. Sessions. No.

Mr. CARR. I understand there would be problems, but I hope we can work on this thing.

[Subsequent to the hearing, the following classification was received:]

#### ECONOMIC CRIME INDEX

Director Sessions approved a test phase for the Economic Crime Index (ECI) in December 1987, after consultation with Congressman Don Edwards' staff as to concerns raised by the Congressman.

The ECI has not been funded to date because anticipated funding at the time of authorization was not available.

## CIVIL RIGHTS COMPLAINT AT THE NATIONAL ACADEMY

I wanted to attend the hearing Congressman Edwards had yesterday, but I did read it in the newspaper and I applaud your response, your being very forthright on the issue of civil rights within the Department. Two days ago, I guess, some of my staff talked to some of your staff about a particular case that happened in 1984, of course, you weren't Director then. It came to my attention through the civil rights action by the Department of Civil Rights in the State of Michigan. An inspector with the Detroit Police Department who happens to have a Ph.D and is a highly respected person in the Detroit area community, attended the academy.

Mr. Sessions. He was with the FBI National Academy near

Quantico, Virginia.

Mr. Carr. Correct. I believe four separate—one was particularly heinous-racist incidents occurred against Commander Donaldson. When he sought to obtain an explanation from Mr. McKenzie, the assistant director at the time in October of 1984, he was not really satisfied with the response he got. Having read the correspondence, I could understand his reaction. Is the Department prepared to give Commander Donaldson a full report?

Mr. Sessions. The answer is yes. What happened with that, when I became aware of it this last winter, in December 1988. Maybe it was November. The FBI found that some of those records were no longer available. But there has been a complete investigation, and it is my understanding that correspondence directly to Commander

Donaldson is on its way to my desk, reporting as fully as the FBI can to him on the results of that investigation.

There was another investigation actually done talking to witnesses, talking to people to try to nail it down.

Mr. CARR. I appreciate that.

Mr. Sessions. It was essential that it be done.

Mr. CARR. He is a distinguished citizen. Even if he weren't, no person should be treated that way inside a program conducted by the FBI.

Mr. Sessions. The National Academy is extremely important to the FBI bureau. Those are police officers from all over the country. They must come to the FBI Academy under the tutelage of the FBI and be absolutely certain that those types of things do not happen. Even though they involve police officers around the country in a

dormitory circumstance, it just must not happen.

Mr. CARR. I hope you are very clear and will be very clear to police departments that individuals who intend to behave that way are just not welcome into the academy.

Thank you.

Mr. Sessions. Thank you, sir.

# LOSS OF PAN AMERICAN FLIGHT 103

Mr. Smith. Mr. Kolbe?

Mr. Kolbe. Thank you, Mr. Chairman.

Director Sessions, the ranking Republican on the Appropriations Committee, Silvio Conte, has a few questions that he asked me to pursue for him. Two of his constituents were lost on the Pan Am flight last December. Are you satisfied with the progress of that in-

vestigation. Do you think it is going well?

Mr. Sessions. Absolutely. From the beginning, Congressman, the cooperation was full and complete. The chief investigator has been over here and I have been briefed with him. Communications are

set up and we are pursuing it diligently.

I might add to that. The information that I received in connection with the circumstances was that since its inception, the investigation is being conducted in complete cooperation. Communication links are installed between Lockerbie and the U.S. I have seen the pictures of the aircraft reconstruction. The FBI sent laboratory people over there at the beginning. Absolutely splendid, total, complete, extremely professional cooperation from every source.

Mr. Kolbe. Would you say it may be a model for the kind of co-

operation in the future?

Mr. Sessions. I would say it would be an absolute model. I simply cannot imagine there being any fuller area of cooperation either in fact, theory or mind. The whole attitude is fully congenial, fully supportive of every agency involved.

### OPERATION OF LEGAL ATTACHES

Mr. Regula. Is this true in other types of operations, the level of cooperation with other countries through Interpol, and so on? Is it

a good frame of reference?

Mr. Sessions. I would say yes, Mr. Congressman. We deal with foreign countries through several mechanisms. One, we have Legats. These are legal attaches in the embassies in 16 different locations around the world. Those people are involved in the day-to-day gain of information from law enforcement agencies. Beyond that, you know that we are involved in cooperation with the Trevi Conference, which is the conference of European Economic Community members dealing with terrorism. We attend those meetings bilaterally, deal with the people, the ones that run the organization and in the individual countries.

I believe that the next conference will be in Madrid in May. They are extremely supportive. The investigations generally flow.

There are circumstances where we believe our jurisdiction is potentially lost in a country not necessarily wanting an investigation to be done by the FBI in a particular circumstance, or not being facilitated. But we work on those and we try to pursue them diligently.

Mr. Kolbe. Do you think there is a reasonable chance we will be

able to identify the perpetrators of this terrorist act?

Mr. Sessions. I would say absolutely yes. It will be a long term, long haul problem, as Congressman Early said before. Nobody ever suggested it would be easy.

Mr. Kolbe. We were in one sense lucky, weren't we, that that

accident took place over land?

Mr. Sessions. Yes. You can see with the accident over Honolulu, trying to recover debris from the ocean is difficult, trying to analyze what happened there.

# STATUS OF FBI LABORATORY AND TECHNICAL PROJECTS

Mr. Kolbe. The Pan Am incident brings to mind an area that is certainly very worrisome, I am sure to you and to everybody. That

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is the growing criminal technology, the sophistication of weapons and devices used by terrorists. In a general sense, what is the FBI

doing to this source, to try to keep ahead of the game.

Mr. Sessions. There are several things that are important not just in the area of forensics, not just in the laboratory, but also in technical devices. The FBI is trying to complete in Quantico an engineering research facility. We have one part of that which will be completed and is near completion. We have two other parts that are on the back burner because we can not begin construction on them because we do not have the money to do it.

To me, the ability to do in-house is very important because it gives us an ability to react to those circumstances with which we are confronted. That is the technologies that are out there. Whether we are dealing with electronics, and that would be the engineering research facility, or whether we are dealing with laboratory problems, the ability to be able to respond has always been the hallmark of the bureau's capability. We solved crimes that nobody

else could solve, and our forensic capability did that.

#### **DNA ANALYSIS**

For instance, and I don't mean to talk endlessly about these things, but in the DNA area, an identification area that would allow identification with certainty from the genetic material of a particular individual. We pushed extremely hard in the last year and took money out of base funding to complete and bring on line a DNA test capability which the FBI now has which has served internationally. We did it as a result of cooperation internationally and across the United States to be able to take and identify with certainty. The results are, I think, startling. Within a month and a half, we had a total of 55 cases there. Two are FBI, two are from other Federal agencies, and 15 are local law enforcement-generated cases.

In three cases, the FBI has identified a common genetic material involving three different rapes. The FBI doesn't have the person, but genetically it is the same person. Those things are important.

#### TERRORIST THREATS AGAINST SALMAN RUSHDIE AND U.S. BOOKSTORES

Mr. Kolbe. On that same area is the FBI concerned about the possible spate of terrorist incidents that might result from the Salman Rushdie threats against him and against bookstores and various people involved in the publishing and printing of that book?

Is the FBI taking steps to try to be on top of that?

Mr. Sessions. Yes. As late as yesterday, there were three separate incidents that at the outset you would know, one in New York, the Bronx, and two in California at Berkley. We are still in the in-

vestigative stages of those incidents. It is not known whether they are associated with that retaliation, but we are very much on top of it.

Mr. Clarke is here. He may be able to give other information. It is not only in a reactive sense, but also to try to aid in connection with protection of those people. That is helping them protect themselves and having access to the EPI

selves and having access to the FBI.

Mr. CLARKE. The FBI takes every one of the threats seriously. We have sent a number of communications to FBI field offices to respond immediately to those threats. The investigation of incidents, the FBI is resolving in the favor of initiating investigation.

If it turns out that it was something not associated with it, we will turn the investigation over to the locals. But we are starting with the premise that it may be and proceeding very aggressively in any of these kinds of situations.

Mr. Kolbe. Does it seem to be a link to any of the known terrorist groups that have been supported and sponsored by Libya or

Iran?

Mr. Sessions. You can't tell in those circumstances. It may be there is a broader link. I don't know.

Mr. CLARKE. There is no way at this point because we don't know

who is responsible for these incidents that have occurred.

I can tell you that we have a high level of concern for the presence of individuals from Iran who are in this country. We are very

active in fulfilling our responsibilities with regard to that.

Mr. Kolbe. I didn't mean specifically yesterday's incident, but rather is there some evidence these groups are involved in formenting or trying to take advantage of the general distress in the Moslem population even in the United States to use that as a cover for activities?

Mr. Sessions. That, I don't know, but there may be something

that has developed. I don't know of any.

Mr. CLARKE. We don't have hard evidence of that in this country. Certainly we are all aware of the statements that have been made by leaders of the country which is a state sponsor of terrorism. We know there are infrastructures here that support that.

Logic would say there may be. But in terms of any demonstrative

evidence of that here, no.

# COST OF LIVING ALLOWANCES FOR NEW YORK, BOSTON, LOS ANGELES, AND SAN FRANCISCO

Mr. Kolbe. Mr. Chairman, one final question. I was interested in your comment about the success you have had in reducing or stabilizing some of your agent turnover. Did we specifically give you the authorization for that in New York?

Mr. Sessions. The House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence gave us the authorization. Funding came out of our budget, but the authorization is there, yes.

Mr. Kolbe. Are you doing this only in New York City?

Mr. Sessions. Yes. That particular project, yes. But in four other cities—let me go back.

New York City had 135 percent cost of living above the norm. Boston had 125. L.A. had 125. San Francisco had 125. When I became Director, I went to the New York Office and I said to them, I have no hope that we will ever be able to get any legislation, but I will pursue management initiatives. Part of the management initiative was to compress the grades so that a Special Agent, instead of waiting seven years to become a GS-13 could do it in three. That was done in New York City.

It was done to help relieve the circumstances, at least, of the Special Agents. I do ont know whether the cost-of-living part of the budget came along where I would continue with that grade compression in New York City or not. I did. Because of the circumstances in those other four cities, I thought it was proper, and we have done that in the other four cities as well, but not beyond that.

It is only the grade compression for the special agents taking them to the GS-13 level.

Mr. Kolbe. So the cost-of-living pilot project is limited to the New York City area?

Mr. Sessions. It is limited to New York. Mr. Kolbe. Thank you, Mr. Chairman.

# ALLOCATION OF PERSONNEL AND TECHNICAL RESOURCES

Mr. Alexander. Last year you were having some difficulty in getting the money needed to update your centralized computer

system. How is that progressing and how can we help?

Mr. Sessions. There are two things involved. I think you probably are aware in the automated data processing and in the technical area the FBI is both increasing and decreasing with some degree of specificity. I discussed the program and how we are doing

To me, the problem comes from having to deal fairly with the cost-of-living problems that our people have. I know, for instance, that in California the Special Agent's entry salary ranks 82 out of 86 of law enforcement agencies in California. There is a tremen-

dous number of agents out there.

How do you deal with that? My belief is the 4.5 percent increase is a very proper increase. Where does it come from? You know where it comes from. Out of our hide. How does the FBI pay for it? Well, you pay for it somewhere within other FBI programs, and it has come out of those programs that relate to automation, data processing, and electronics.

I don't like that. That is where it comes from, and that is what I have done. I don't know that I made the correct decision or not,

whether one decides for people or projects.

I am sitting here with Al Bayse behind me and he runs the Technical Services Division carefully. Yet it means you have to postpone. The postponement and specifics of it, I have laid out.

Mr. ALEXANDER. I don't know what we can do to help, but we want to be of assistance to you. We have limits to what we can deal with.

Last year you took a big cut and so did DEA during a time when both needed to be increased.

Mr. Sessions. I think we received 79 positions, including both support positions, and agent positions. It is difficult. To me, I believe, of course something has to be done that would allow us to keep from having to invade those programs. It is programs over people or people over programs. We are making the reductions. We are trying to use or people more carefully. But the allocation of resources is extremely difficult.

You know when we are talking about agents, we are going to be

down considerably.

# PRIORITY OF LAW ENFORCEMENT FUNDING

Mr. Alexander. This is just for information. I have prepared a table, which is in the final stages, to compare where we have been and where we are with reference to our national priorities.

During the last eight years-1980 through 1988-law enforcement, which includes your agency, has had no increase in percentage shares of total spending. Of course, there is an increase in dollars, but it is somewhat skewed if you don't know those dollars.

I will give this to you as a reference. Law enforcement has had no increase in eight years in percentage shares of total spending. It might be of interest, Mr. Chairman, that Federal services have decreased by almost 10 percent during that same period. I will give you a copy of it.

I don't know where this is going to take us. We must deal with the reality of paying for needed services like law enforcement. I don't want to be the one to forecast when that will occur, but it is

going to happen soon.

Mr. Sessions. I am hoping ultimately that we will be able to take the FBI out of the general pay schedule under Title 5 to give me

some flexibility in trying to meet these problems.

It also seems to me that ultimately we ought to use some cost-ofliving index that will allow us to keep from punishing Federal employees, investigative employees around the country. They do very well out in Kansas, but when you send them to New York they suffer inordinately. There should be, and we should be able to devise some cost-of-living comparison that will allow us to meet the needs of our people.

It is a tragedy to see them suffer. People coming from Texas now, your Director included, have property they have not been able to sell. They can give it away, but they can't sell it. It is tough. And when you move and have to move agents the way we move them and those personnel who are subject to that being jerked up and moved repeatedly, it is very difficult to ask them to bear the

burden for the entire country.

Mr. ALEXANDER. What is it going to take? Mr. Sessions. First of all, the drug bill authorized the Commission, and the Attorney General, Jack Lawn, and I are on that Commission for Law Enforcement. We will report in six to eight months on those recommendations concerning Federal pay for law enforcement agencies. I think there is a lot we can do.

Law enforcement is in need of it. Mr. Alexander. You have my support.

Mr. Sessions. Thank you, sir.

### DIFFICULTIES WITH COMPLEX PAY SCHEDULES

Mr. Smith. I am not necessarily disagreeing with what you are saying, but I want to point out something. It may have been four or five years ago that a study was done on this very thing.

Did you know the highest cost of living in the United States was

Little Rock, Arkansas?

Mr. Sessions. Does the FBI have any agents there?

Mr. Smith. I don't know. People assume that New York has the highest, but that isn't necessarily so. There will be high ones within each state even, high cost of living places and low cost of living places within the states. It is very difficult to deal with.

#### NATIONAL CRIME INFORMATION CENTER 2000

Would you provide us with a definitive explanation of the upgrade on NCIC. Where are we with that? What is the capacity to upgrade it?

How long would it take if you had the money? How much money

would it take?

Mr. Sessions. The committee was a vigorous committee that came forward with a number of recommendations. There were 280 of them, as I recall. I don't have that information in front of me.

In the process of going through those, they were weeded down to a minimum number of recommendations, some 80, I believe. Those recommendations have been weeded down and have gone to the Department of Justice. I believe that they will be processed shortly.

As to the technical aspects of those programs that have gone online, I would be happy to respond either for the record or by giving

you correspondence telling you precisely where you are.

Mr. Smith. Do it for the record, because I would like to know how long it would take to do if we did it at the maximum speed, what it would cost, and what is involved.

Mr. Sessions. I shall do that. [The information follows:]

# NATIONAL CRIME INFORMATION CENTER (NCIC) 2000

The NCIC 2000 system will provide the current system's functionality plus user-and FBI-proposed enhanced data integrity, positive identification features, and greater privacy, security, and Constitutional rights protections. A phased development of the NCIC 2000 system as defined in the MITRE Corporation's requirements study is being considered. The MITRE Corporation proposed two operating sites; however, the FBI will initially use only one site. The FBI will evaluate the cost of the second site in the near future. In this phased plan, funding of \$68 million is required to develop the NCIC 2000 system. This would provide funding for initial software development as well as initiation of the site preparation and network and hardware equipment acquisition. The funding schedule is as follows: \$17 million (Year 1); \$23 million (Year 2); \$20 million (Year 3); and \$8 million (Year 4). In addition, continuous operational maintenance costs will be required as follows: \$2 million (Year 5); \$2.5 million (Year 6); and \$3 million for the subsequent years.

	NCIC AND YE	2000 DEV EARLY BUD	NCIC 2000 DEVELOPMENT CYCLE AND YEARLY BUDGET REQUIREMENTS	CYCLE IREMENTS	M	March 6, 1989
DEVELOPMENT ACTIVITY	Year 1 1990	Year 2 1991	Year 3 1992	Year 4 1993	Year 5 1994	Year 6 1995
Site	\$5 M	\$5 M				
Preparation						
Software	<b>\$</b> 10 M	\$10 M	\$10 M			
Development						
Network/	<b>₩</b>	₩ ₩	\$2 M	-		
Telecomm.						
Hardware	<b>₩</b>	\$7 M	W 9 <b>\$</b>	<b>\$</b> € M		
Acquisition					-	
Operations/			\$2 M	\$2 M	\$2 M	\$2.5 M
					-	
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 *
	\$17 m	\$23 m	\$20 m	— ₩ ₩	\$2 m	\$2.5 m

* Operations/Maintenance funding is \$3 M for 1996.

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## STATUS AND COST OF NCIC 2000

Mr. Sessions. Mr. Bayse is here. If you would like for him to re-

spond further, he will.

Mr. BAYSE. I will give you a quick sketch of that. When the FBI made its submissions before, it was a two-part process. We did a detailed study with all the user community and testified on the Hill several times both with Congressman Don Edward's Subcommittee on Civil and Constitutional Rights and your Committee and

The FBI finished that study and came forward with recommendations and an extensive briefing to the Director. He made his decision and that is on the Hill. When that clears and we go forward with out plan, we see a two to three-year development period, beginning in 1991.

We lack any funding in 1990.

Mr. Smith. Do you know what it would take? Mr. Bayse. Yes, sir. If we can do it over a two-year period, we would need approximately \$23 million for 1991.

Mr. Sмітн. What would be the total cost?

Mr. BAYSE. The total cost would be about \$50 million for full development. This reaches out to all of those 60,000 users in the States including local law enforcement.

Mr. Smith. In your budgeting you are figuring on doing \$50 million in three years starting in 1991?

Mr. Bayse. These are some planning figures we put together. I ask that they be considered as planning figures and estimates, representing approximately what we need to get started with building the new system based on anticipated approvals.

Mr. Smith. Can you use half of what you need in the first year? Mr. BAYSE. NCIC 2000 involves a big software development operation. The FBI would go to a contractor. The FBI would obligate that much money and then it would work out.

Mr. Smith. Do you know what the outlays would be?

Mr. BAYSE. It might be pretty much 100 percent. It might be a little less.

Mr. Smith. You are going to pay the contractor—

Mr. BAYSE. Maybe three-quarters or more of it would be outlays in that year, because the FBI would be paying for human services of the contractor-the cost of people developing software. Equipment would come the next year.

Mr. Sessions. You may be be interested as to the use of the National Crime Information Center. During the 16 months I have been Director. Mr. Bayse has walked in my office several times and told me about new peaks. One of the first he told me about was around 800,000 contacts in one day.

I remember that because he said during the first year we had six million contacts. That is all. In a 10-day period at the 600,000 level, the FBI would have reached the entire first year.

That was progress until he walked in the office maybe a month ago, and said we had 918,000 contacts on NCIC yesterday. The point is the support of the local police activities and local enforcement activities is tremendous.

It is a critically important system; no question about it.

Mr. SMITH. Now with the upgraded system, what are the benefits? I know it will respond much more quickly, but what are all

the benefits of this upgrade?

Mr. BAYSE. The system value is heavily oriented in how fast we can receive an inquiry or an update on a record from any of the 32,000 plus access points in the United States, Canada, and our territories, and then give a response to, say, a highway patrolman in Iowa.

Mr. Smith. What is the average length of time now?

Mr. BAYSE. It is a matter of seconds from the patrol car until it is in the Hoover Building.

Mr. Smith. How quickly does he get it back?

Mr. BAYSE. In probably 10 seconds. It depends on the State system that the transaction comes through.

Mr. Sмітн. With the upgrade?

Mr. BAYSE. With the upgrade, it will cut it back further because the FBI would have better networking with the State level.

States and local users are going to upgrade their equipment at the point of entry and point of access in the dispatch area or the operator's area.

# BENEFITS OF NCIC 2000

Mr. Smith. In addition to responding more quickly so you can get

to the next inquiry, what other benefits are there?

Mr. BAYSE. We did several studies over the last few years. We picked 1,000 of the access points at random. From property recoveries, stolen cars, missing children (which we didn't evaluate financially)—the stolen cars we were able to evaluate quantitatively, we can justify the whole system for a year for one month's operation of less-than one-third of the system's access points.

Mr. Smith. What are the benefits?

Mr. BAYSE. The benefits are the return of property to the owners, stolen cars and stolen property and we achieve fugitive apprehensions.

Mr. Smith. By cutting three seconds off your return time?

Mr. BAYSE. These are tangible benefits from operating the system that I am explaining now. The response time at the National level has to be instantaneous.

Mr. Smith. What are the advantages of having an upgraded

system compared to the system you have now?

Mr. BAYSE. The system the FBI has now has reached the end of its useful life. The demand on the system has increased 50 percent over the last four years. The FBI has reached the end of its line with that. There is nothing more we can reasonably do to upgrade it in capacity and capability to meet future requirements.

The user community has asked for 230 NCK 2000 concepts, most of which are beyond what the system can provide now. That has

been winnowed down to about 83.

Mr. SMITH. One of the benefits is you can handle more functions

than you can now?

Mr. BAYSE. Yes, sir, and do what users want us to do, which is well beyond what we can do now.

This system is cost-effective. The return on investment on this system for the users out there and the people they serve is enormous. For example, fugitive apprehensions. Moreover, the Secret Service uses it to keep track of threats to protectees.

We run the system now for \$10 million a year at 5 cents for one

of the contacts the Director described.

Mr. Sessions. Now a bad buy.

Mr. BAYSE. The daily transaction rate is going to go well beyond what we have now, the 900,000 or so. I would like to bring up one point that the United States Customs Service is the biggest user of this system. Two hundred thousand transactions a day come from the border points through the Treasury Enforcement Communica-tions System directly to the National Crime Information Center System. At the border points, if they are trying to interdict druggers, criminals or stolen cars coming in, they relay this to us. We check the wanted person file or stolen car file for them.

Mr. Sмітн. They don't reimburse you for that? Mr. BAYSE. We provide that as a service to them.

Mr. ALEXANDER. What would be the cost of replacement?

Mr. Sessions. Of the entire system, you mean?

Mr. Bayse. Over a four-year period it would be about—let me rerun the numbers for you.

# COST OF NCIC 2000

Sixty-eight million dollars for a four-year period. A minute ago, I gave you a three-year figure. It would take four to get it in place.

Mr. Smith. What was this two-year figure?

Mr. BAYSE. Forty-eight million dollars for two years. I am sorry,

Mr. Smith. You mean for the first two of four years?

Mr. BAYSE. Yes, sir.

Mr. Smith. The first two years of four years?

Mr. Bayse. May I restate the figures. Seventeen, 23, 20 and 8 million dollars. Our four-year figures beginning in 1990.

Mr. Alexander. You have asked for the \$17 million for next

Mr. BAYSE. We don't have anything for next year.

Mr. Smith. If it were a four-year program, it would be 17 the first year?

Mr. Bayse. Yes, sir. For 1990—there are several ways we can do this. One way would be to have some money next year to start, \$17

Mr. Sмітн. You could do it more speedily; is that right,

Mr. BAYSE. Yes, sir.

Mr. Smith. You could do the whole upgrade in two years? Is that

right or wrong,
Mr. Bayse. We could do the whole development in two years if
would involve substantial amounts of money in each of those two years.

Mr. Smith. Would the equipment be available?

Mr. BAYSE. Yes, sir.

Mr. ALEXANDER. You already have the contractor in place subject to funding?

Mr. BAYSE. No, the FBI would compete it; but the specifications are written and the requirements and documentation is in very

We would have to put forward a request for proposals and for competitive procurement. I think we could do that in a matter of

three months or so.

Mr. Early. A couple of observations. First, on the automated fingerprinting. We wanted to give you that because it was so important, but the fact that the Department didn't have an authorization, forced us to withhold funds from the FBI.

### IRANIAN SPONSORED TERRORISM IN THE UNITED STATES

Concerning potential bombings. You said you would assess every threat?

Mr. CLARKE. Yes, sir.

Mr. EARLY. Where will you get the agents? Where do you take

them from if you have to do that?

Mr. CLARKE. We do it now. The agents put in long days and many days consecutively. Somehow we squeeze the time out to do

Mr. EARLY. Do you foresee some Iranian domestic terrorism? Do we have Iranian terrorist groups that we can identify? Are there

some names for Iranian terrorist groups?

Mr. CLARKE. There are no specific names for Iranian terrorist groups. There are a number of different terrorist groups that are sponsored or work in conjunction with the goals of the Iranian Government.

There are a number of Iranians in this country that are of concern to us in connection with terrorism responsibilities. But to put a name like the CSA or the Abu Nidal Organization, no, there is none.

# FRAUD BY WIRE-TELEMARKETING FRAUD

Mr. Early. Your answer to Mr. Carr on the telephone fraud he was talking about, you said you are not implementing that system because you don't have money.

Mr. CLARKE. On the Economic Crime Index? It is because of other considerations in terms of individual rights, the tracking

mechanism as to the propriety of that.

Mr. EARLY. If that is not something we are putting on the computer, not getting a history of, we are really not looking ahead on that, in my opinion. I think you have to automate.

# STATUTE OF LIMITATIONS IN S&L FRAUD

Mr. Director, you mentioned the statute of limitations for S&L

fraud, do you have a deadline?
Mr. Sessions. There is a five-year suit, and, of course, time is running. The FBI is looking at transactions. From this pont, five years back, they just lob off. I don't know how severe it is, but it is bound to be a very strong factor in being able to pursue quickly.

Those are complex transactions. My own belief is the FBI should be sure that we take advantage of evey kind of information to help us properly target, in the Department of Justice, to properly target

what we are going after. Again, the statute of limitations would be a critical factor in that.

Mr. Early. Do you see 1991, 1992, as the pont when time runs out?

Judge Sessions. I could not tell you. But the five-year statute of limitations applies.

Mr. EARLY. When did it start?

Mr. Sessions. The day of the transaction normally, the transaction with which you are dealing. You may, for instance, be able on a substantive offense to wrap it into a conspiracy, and it may give you some ability to deal with it, not the substantive offense, the particular transaction was considerable in nature.

But it may be part of a continuing enterprise that relates to that particular S&L. Not likely, but it could be. The problem is if you don't get with it and don't start now, those specific transactions

will drop off because they are too old.

Mr. Early. I think the most important thing we can do for the

FBI budget is give you the money to automate.

The fact that the automated fingerprint project went down the drain was because there is no Justice Department authorization. There is a new Judiciary Committee chairman there and maybe they will be able to move a bill.

Mr. Sessions. Thank you, sir.

### **ISSUES CONCERNING NCIC 2000**

Mr. Smith. On NCIC, are there any security and constitutional issues that have not been resolved? Are there any problems in that regard?

Mr. Sessions. I don't think there is any controversy over what we now are recommending to the Department of Justice. I don't

think there is.

Mr. BAYSE. The expansion, what the Director has approved and moved forward to the Department, I think that would be acceptable.

Mr. Sessions. It is noncontroversial.

Mr. Smith. Thank you.

[The following questions were submitted to be answered for the record:]

### QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

## Federal Bureau of Investigation

#### FY 1989 Funding

QUESTION: As a result of overall constrained funding, the Congress was forced to reduce the FBI's FY 1989 request by approximately \$65 million. What impact did this reduction have on your programs?

ANSWER: The President's initial 1989 budget request for the FBI was for \$1,503,307,000. This reflected net adjustments to base of \$22,768,000, including uncontrollable increases, e.g., annualization of the 1988 pay raise, GSA Rent, of \$41,582,000 and non-recurring decreases of \$18,814,000. Also, net program increases of \$92,047,000 were included in the FBI's 1989 initial request. In addition, \$15,100,000 for the FBI's activities related to the Intermediate-range Nuclear Forces (INF) Treaty was requested bringing the total 1989 budget estimate for the FBI to \$1,518,407,000.

The FBI's initial 1989 appropriation of \$1,424,100,000 (P.L. 100-459) was, in fact, \$12,840,000 greater than the 1989 base level budget for the FBI of \$1,411,260,000. However, the 1989 appropriation includes \$22,600,000 in program enhancements for Other Field Programs, including the \$15,100,000 related to the INF Treaty. Excluding those enhancements, the funding available to the FBI in 1989 based on P.L. 100-459 is \$9,760,000 below the base level request of the President for the FBI.

In providing \$22,600,000 of the total of \$107,147,000 in enhancements (\$92,047,000 in the initial budget plus \$15,100,000 for the INF Treaty, the initial 1989 appropriation denied \$84,547,000,000 in program enhancements for the FBI in 1989. That amount denied, coupled with the base reduction of \$9,760,000 and offset by the \$15,000,000 the FBI subsequently received from the Anti-Drug Abuse Act of 1988 (P.I. 100-690) results in the FBI actually receiving \$79,307,000 less than the FBI's total 1989 estimate of \$1,518,407,000. However, an important part of this is the reduction of \$9,760,000 below the base level budget for 1989.

As mentioned earlier, the 1989 appropriation enacted denied \$107,147,000 in total program enhancements for the FBI. These were increases for several key investigative programs including the White-Collar Crime program and Other Field Programs. Without these enhanced resources, the FBI is unable to fully or effectively respond to expanding investigative needs such as the continuing problem of fraud in financial institutions, fraud against the Federal Government, environmental crime, emerging organized crime syndicates, and major drug traffickers.

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The 1989 appropriation enacted has also resulted in further delays in several other major initiatives in the FBI. The program enhancements denied for Other Field Programs would have allowed the FBI to attain specified resource goals for key program areas. Efforts toward implementation of the Automated Identification System-phase III have also been further delayed due to the need for additional funding in the 1989 request. Continued efforts toward implementation of this system have required the diversion of resources from other activities with subsequent impact on these activities. Other key projects and acquisitions, such as expert system development, electronic surveillance equipment, and signal analysis equipment, have been delayed due to inadequate resources in 1989.

#### Savings and Loan Strike Force

QUESTION: We understand that President Bush's proposal to bail out the savings and loan industry includes the establishment of a strike force to investigate and prosecute wrong doings. Would you please explain the FBI's role in this strike force?

ANSWER: The FBI has over 3,000 pending financial institution fraud and embezzlement matters field-wide each involving losses over \$100,000, with numerous others unaddressed due to a lack of resources. If resources being requested by the Administration to address the Financial Institution Fraud Initiative are appropriated, the FBI would strategically allocate additional resources, in concert with the allocation of additional prosecutive resources, to those areas of the country which have been severely impacted by the financial institution fraud problem. In addition, where unaddressed financial institution fraud and embezzlement caseloads have increased dramatically, a team approach is a necessity in combatting this massive problem to insure that sufficient investigative and prosecutive resources exist. The possibility exists that the Financial Institution Fraud Task Force could be established on a district-by-district basis as assessed by need.

QUESTION: How many agents and support personnel and associated funds will you be requesting for the strike force?

ANSWER: The FBI will be requesting 236 Special Agents and 118 general support positions, and \$23,010,000 in a 1989 supplemental appropriations request. These 354 positions are annualized and an additional 100 accounting technicians are to be added in a 1990 amendment totaling \$25,039,000.

QUESTION: Why is it necessary to create a new separate strike force? Is not the FBI already involved in the investigation of these S&L's?

ANSWER: The FBI has been involved in the investigation of financial institution fraud, but the nature and growth of the problem, coupled with budget constraints and resource limitations have severely hampered our efforts. Because the FBI cannot afford to divert any additional resources to the financial institution fraud problem without dealing a serious blow to other initiatives, additional resources are required. These resources would be strategically allocated in concert with additional prosecutive resources to areas of the country severely impacted by the financial institution fraud crisis and where unaddressed cases have increased dramatically.

During 1988, a total of 339 workyears were utilized by the FBI on priority financial institution fraud and embezzlement cases, that is cases involving loss or exposure of \$100,000 or more. This represents an increase of 150 workyears over the 1984 level. These additional resources were redirected from other priority initiatives within the White-Collar Crime program.

At the end of 1988, there was a total of 3,000 financial institution fraud cases involving losses of \$100,000 or more. Of these cases, 357 involve financial institution failure investigations in various stages of investigation or prosecution. In the absence of additional resources, some of these cases will not be completed because of the expiration of the statute of limitations which is five years.

QUESTION: How many agents do you currently have assigned to investigate S&L's?

ANSWER: As of the first quarter of 1989, 333 agent workyears were being utilized on the top priority financial institution fraud and embezzlement cases (\$100,000 or more). In total, approximately 448 agent workyears are being utilized on financial institution fraud and embezzlement cases as a whole.

# Drug Law Enforcement

QUESTION: Since the FBI became involved in drug law enforcement in 1982, this work has grown to consume a substantial number of agent workyears. Has this come at the expense of other FBI programs, especially White-Collar Crime and Foreign Counterintelligence?

ANSWER: The end-of-year reprogramming notifications forwarded to the Congress show that resources have been reallocated from different investigative programs to the Drugs program between 1984 and the 1989 anticipated level.

In 1984, 575 positions were reallocated from the White-Collar Crime and Violent Crimes and Major Offenders programs to the Organized Crime program. (Drugs program resources were located within the Organized Crime program at that time.)

In 1985, 423 positions were reallocated from the Applicant, White-Collar Crime, and the Violent Crimes and Major Offenders programs to the Organized Crime Drug Enforcement program.

In 1986, 240 positions were reallocated from the White-Collar Crime, Violent Crimes and Major Offenders, and Other Field Programs to the Organized Crime program (containing Drugs program resources at the time) and the Organized Crime Drug Enforcement program.

In 1987, the FBI consolidated resources from the Organized Crime and Organized Crime Drug Enforcement programs into a single Drugs program. This realignment included the reprogramming of 1,035 total positions from the Organized Crime program to the Drugs program.

In 1988, 258 positions were reallocated from the Violent Crimes and Major Offenders program and Other Field Program to the Drugs program.

Through January 14, 1989, the Drugs program has used 357 agent workyears on an annualized basis above the 1989 funded level. Several field investigative programs are not fully using their funded resources. These include the Organized Crime program and Other Field Programs.

QUESTION: Your fiscal year 1990 request reflects the transfer of \$51,589,000 to the new Organized Crime Drug Enforcement Task Force program. Does this transfer represent all the resources you would have requested for OCDE for FY 1990? What impact will the transfer have on your OCDE operations?

ANSWER: Yes. Section 1055 of the Anti-Drug Abuse Act of 1988 required the transfer of all Organized Crime Drug Enforcement (OCDE) Task Force agencies' resources to one OCDE appropriation within the Department of Justice. The transfer of the FBI's OCDE resources has the potential to remove a portion of the FBI's flexibility with respect to assigning agents to drug investigative programs, based on the priorities of the FBI's National Drug Strategy (NDS). The FBI's 1990 OCDE funded complement transferred to the single OCDE appropriation is 414 agent and 223 general support personnel and \$51,589,000.

If a case is designated an OCDE Task Force matter, joint investigation or addressed unilaterally by the FBI, it accelerates the NDS implementation. Currently, approximately 40 percent of FBI drug agent resources are dedicated to OCDE Task Force investigations.

Assuming all of the FBI's resources that are transferred to the OCDE appropriation are reimbursed to the FBI, the FBI does not anticipate any impact on its NDS. Any reduction in OCDE resources returned to the FBI may result in the need for the FBI to proportionally decrease its

investigative commitment in addressing the major drug trafficking organizations, identified by the FBI's NDS, that pose the greatest threat to the United States Nonetheless, the FBI, an original signatory, remains committed to the OCDE Task Force concept.

#### New York City Pay Experiment

QUESTION: The FBI began a pay experiment this year in Mew York City wherein agents receive a 25-percent increase in pay to cover the cost of living and a \$20,000 cash payment (mobility allowance) goes to agents moving into the area to defray the cost of housing. What impact has the 25percent cost of living allowance had on your turnover rate in Mew York?

ANSWER: The New York Demonstration Project has only been in effect for a few months. Therefore, it is premature to offer any firm conclusions as to the effect of the project on any operational aspects of the New York Office. However, for 1988, the New York Office lost 41 agents through resignations. For the first five months of 1989, only six agents have resigned. If these figures are projected to the end of the fiscal year, we might draw a very positive inference that the turnover rate will significantly diminish.

The FBI believes that the demonstration project has had a deleterious effect on the morale of employees excepted from its provisions. The Department's other law enforcement components have also indicated their employees feel they also should be covered by these or similar provisions because of the high cost of living and working conditions in New York City.

QUESTION: Are you finding it easier to transfer agents to New York?

ANSWER: Again, it would be difficult to reach a firm conclusion at this time; however, it is noted that in calendar year 1987, nine agents resigned rather than take a transfer to the New York Office. From October 1988 until March 1, 1989, there have been only two resignations by agents refusing to relocate to New York. In addition, two agents who were eligible for an office of preference transfer out of New York declined their transfer in order to remain in the New York Office. These factors are positive indicators that the attitude among the agent population with regard to an assignment in the New York Office has improved.

QUESTION: Are there other areas around the country where similar experiments should be tried?

ANSWER: The New York Office is not the only office that has been negatively affected by the high cost of living or the fact that Federal pay has not kept pace with the pay of State or local government or private industry. The FBI

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recently received reports from its offices in Newark, San Francisco, Los Angeles, and Boston which are advising that, to varying degrees, cost-of-living related problems are having a negative impact on their operational responsibilities as well as the morale of their personnel. Similar problems are evident in offices located in other high-cost areas.

Recruitment and retention problems due to living costs and widening pay disparity between Federal and non-Federal employers are not unique to the FBI in New York City. The Department's components and other Federal agencies are encountering recruitment and retention problems, particularly in high-cost major metropolitan areas. While piece-meal approaches such as the demonstration project and other actions that target specific occupations or organizations may provide some immediate relief, they do not address the larger issue of comprehensive pay reform which the Department feels is necessary to restore pay equity to the General Schedule pay system. Continued use of such piece-meal approaches further fragments the General Schedule pay system and can create serious morale and pay equity problems.

QUESTION: The New York Pay experiment does not cover support personnel. What is being done for these employees? Can you gauge yet the success of these measures, if any?

ANSWER: The New York Office Demonstration Project authorized the mobility and retention allowance for any employee of the New York Office who is subject by policy or practice to transfer. All FBI Special Agents and about 240 of the 790 support personnel in the New York Office are subject by policy or practice to transfer. Therefore, these employees receive the retention allowance of 25 percent of base pay and new transfers into the New York Office are eligible for the mobility allowance of \$20,000.

The Department is currently authorized to pay special salary rates in New York City for the following occupations: miscellaneous clerical positions, GS-02 through GS-06, that require a qualified typist, stenographer or transcriber; correctional officer, GS-06 through GS-08; Deputy U.S. Marshal, GS-05 through GS-09; legal clerk/technician, GS-04 through GS-10; and accountant/auditor, GS-05 through GS-09. In addition, the Department has developed three additional special rate requests to cover other occupations in New York City including a request based on a recent survey conducted by the FBI's New York Field Office designed to obtain special rates for its support positions not covered by the demonstration project. However, the Department views the special rate program as a piece-meal approach that does not address the larger issue of a General Schedule pay system which is inadequate in many cases to compete for highly qualified job applicants in high-cost major metropolitan areas.

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QUESTION: The Bureau is the only Federal agency in New York receiving additional compensation to defray the high cost of living. Has this affected the Bureau's relationship with other Federal agencies? If so, how?

ANSWER: The FBI is working on various task forces in the New York City area with other Federal law enforcement agencies. Informal contact with FBI representatives on these task forces reveals that there has been no change in the working relationships of the task force members. Most of the feedback the New York Field Office has received from other Federal law enforcement agencies has been in support of its success and a hope that it is just the first step toward addressing the serious cost-of-living problems facing all employees of Federal law enforcement agencies. Other Department components have expressed interest in obtaining treatment for their employees in New York City and other major metropolitan areas.

QUESTION: DEA agents, who began as lower level GS employees than FBI agents, do not receive cost-of-living adjustments. Has this affected the relationship of the two agencies, which must work together on major drug cases?

ANSWER: As mentioned previously, the working relationship between the FBI and DEA does not appear to have changed. The DEA representatives, with whom the FBI New York Field Office Special Agents work, are supportive of the FBI receiving the cost-of-living adjustments. DEA would look favorably on similar treatment that extended to employees on a more wide-spread basis than just New York City.

# New Department of Justice Inspector General

QUESTION: The Department of Justice will be establishing an Office of Inspector General this Spring; however, the FBI was not required to be involved in this program. Nevertheless, the Attorney General is authorized to transfer the FBI's audit and inspection functions to the Inspector General if he deems it appropriate. Do you believe the Attorney General should exercise this option? If not, why not?

ANSWER: The FBI believes the Attorney General should not exercise his option to transfer FBI audit and inspections functions to the Inspector General of the Department of Justice (IG/DOJ). However, if the Attorney General elected to make the transfer, the FBI is prepared to cooperate fully. The FBI maintains an Inspection Division that comprises: the Office of Inspections; the Office of Professional Responsibility; and the Office of Program Evaluations and Audits, that carry out a full range of highly detailed audit, inspection, and evaluation functions. The Assistant Director of the Inspection Division exercises complete independence with regard to the mission and activities of the Inspection Division and

has unrestricted access to the Director. Reports of the above three components of the Inspection Division are provided to the Director on a regular basis in addition to oral presentations and frequent meetings.

The Inspection Division has been evaluated and reviewed by the General Accounting Office (GAO) in 1979 and 1988. In the recent 1988 report, GAO stated:

The FBI has improved its inspection and program evaluations since the 1979 report.

The FBI has refocused its activities and now concentrates its efforts on investigative programs and administrative matters.

The FBI has initiated program results audits on all major investigative programs.

The FBI has raised requirements for staff selected for the Program Evaluations Unit; with most having advanced degrees.

The GAO report raised the issue of possible impairment to independence; however, no evidence was found that the internal audit and inspection units were impaired in carrying out their assigned functions. On the contrary, the Inspection Division exercises a high degree of independence in the discharge of its inspection responsibilities. Additionally, most recommendations made by GAO have been implemented reflecting the FBI's willingness to be responsive to suggestions for improvement.

During the past several years, Congress has held numerous hearings regarding the establishment of an IG to oversee the FBI. These hearings, along with various reports and studies, were taken into account, and were considered during the recently passed Inspector General Act Amendment of 1988. The provisions of that Act recognize and reaffirm the separate status and continuing autonomy of the FBI's inspection process.

QUESTION: Given the current situation, what do you believe the relationship should be between the FBI and the Inspector General? Are there any FBI functions that should be excluded from the Inspector General's audits and evaluations? If so, why?

ANSWER: The relationship that should exist between the FBI and the IG is one of mutual cooperation with recognition that the FBI will continue to independently carry out its inspection, audit, evaluation, and internal affairs functions.

The FBI has had a longstanding cooperative relationship with both the GAO and the Department of Justice. The working relationship is based on formal understandings and

situational determined agreements. A similar arrangement would seem appropriate for the FBI-IG/DOJ relationship.

The Inspector General Act Amendments of 1988 contains provisions that would guide the relationship between the FBI and IG/DOJ. For example, investigations of FBI employees to resolve allegations of wrongdoing would continue to be conducted by the FBI. Further, the IG/DOJ would not have access to information in closed cases protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. These and similar provisions would be incorporated into any future guidelines establishing the FBI-IG/DOJ relationship. In general terms, the IG/DOJ will refer matters to the FBI when appropriate and the FBI will provide information and assistance consistent with Department of Justice established policy.

Although the FBI cannot, in principal, identify any function that would be totally insulated from audit or evaluation by the IG/DOJ, such undertakings would, however, based upon the FBI's highly independent and thorough inspection process, seem to be a costly duplication of effort which would be in contravention to the spirit of the Inspector General Act Amendments of 1988. Specifically, the Act states that the IG/DOJ shall give "particular regard to the activities of . . . the audit, the internal investigative and inspection units outside the OIG with a view toward avoiding duplication and insuring effective coordination and cooperation."

QUESTION: Handling of the recent case involving the Committee in Solidarity with the People of El Salvador (CISPES) suggests that your Office of Inspections has not functioned as well as it could. Is it true that your Office of Inspections knew of serious problems concerning the CISPES case, but nothing was really done about it until the media became involved?

ANSWER: There is no indication that the Office of Inspections (OI) was aware of serious problems concerning the International Terrorism investigation of CISPES prior to the media becoming involved. I have faith in the abilities of the Inspection Division and its components, which includes the Office of Inspections, to provide efficient and effective oversight of FBI operations.

The Inspection Division consists of the OI, the Office of Professional Responsibility, and the Office of Program Evaluations and Audits. In April 1984, an automobile that had been occupied by a Dallas FBI Special Agent was burglarized in Washington, D.C., and CISPES-related documents were stolen. As a result, OPR conducted an investigation which resulted in the resignation of the agent who had provided classified documents to and withheld payments from an FBI asset who had been providing intelligence information in the CISPES case. This was the first involvement by the Inspection Division in the CISPES

case and indicated a serious problem with the Dallas agent who was also the case agent. However, it was not known that there were problems with the CISPES case itself.

In February 1987, the asset, who had previously filed a Federal civil suit to recover wages he claimed the FBI owed him, made news media releases and subsequently made allegations before Congress that FBI Special Agents conducted burglaries, as well as other improper and illegal acts during the CISPES investigation. OPR conducted another investigation. The asset refused to be interviewed by the FBI and no evidence was found to support the asset's claims of wrongdoing. Also, the asset's testimony before Congress was substantially discredited.

On February 2, 1988, I directed that OI conduct an independent inquiry to examine all aspects of the FBI's investigation of CISPES. That report, which was submitted to me on May 27, 1988, outlined shortcomings in the CISPES International Terrorism investigation and set forth numerous recommendations for corrective and administrative action.

QUESTION: Would an independent Inspector General have resulted in corrective action on the CISPES case before the media became involved and made it a public issue?

ANSWER: There was no reason to believe that the presence of an Inspector General would have led to an earlier determination that corrective action was in order with respect to the CISPES case.

In June 1982, even before the CISPES International Terrorism case was initiated, the Office of Program Evaluations and Audits issued a report captioned, "Terrorism Program Evaluation." That report identified problem areas and made recommendations for improvement. Many of the recommendations were not implemented. Implementation of those recommendations could have prevented at least some of the problems that occurred in the CISPES investigation.

During a 1984 inspection of the Dallas Field Office by the Office of Inspections, deficiencies in the CISPES investigation and in the handling of the asset were not identified. Since that time, audit procedures have been strengthened and heavier emphasis has been placed on review of assets, informants and sensitive cases such as the CISPES case. Regardless, there is no reason to believe that an Inspector General would have discovered the problems that existed that were not discovered during inspections.

## Discrimination Issue

QUESTION: The Bureau has come under severe criticism of late due to allegations of discrimination in employment and promotions of Black and Rispanic agents. What specific actions is the Bureau taking to correct this problem?

ANSWER: After consulting with his senior managers, Director Sessions approved a number of changes to the FBI's Equal Employment Opportunity (EEO) Program as well as to the Career Development and Language. Services Programs which are designed to minimize the possibility that these programs could have an adverse impact on any of our minority or female employees. The changes that have been authorized in each of these programs, which will be implemented are as follows:

# BEO Program

The Office of Equal Employment Opportunity Affairs (OEEOA) will be elevated to the Office of Executive Assistant Director - Administration. The head of the OEEOA will be in the Senior Executive Service. A person outside of the FBI has been chosen to fill this position.

Intensive in-service training will be designed and provided to all present and future EEO counselors, who will in turn provide mandated awareness training to all employees.

High quality usable EEO training will be provided annually to Special Agents in Charge (SACs) and other executives. The first segment of this training is scheduled in March 1989. Training for other employees, tailored to their levels of management responsibility will be increased.

The new head of the OEEOA will be required to evaluate the effectiveness of all EEO training and make any necessary improvements.

The length of assignment for individuals designated to conduct EEO investigations will be increased and consideration is being given to having a regular staff of EEO investigators assigned or detailed to the OEEOA to insure that EEO investigations receive priority attention from experienced investigators who are thoroughly familiar with applicable EEO law and regulations.

EEO counselors will be nominated by Field Office Career Boards. The OEEOA shall approve all EEO counselors and have the authority to accept or reject the recommendations of the Field Office Career Board or the SAC and will state the reason for any rejection to the originating entities.

The OEEOA will develop a system to evaluate the effectiveness of FBI EEO counselors and will establish training programs to assist those who are less than fully effective.

The OEEOA shall have the authority to remove an ineffective EEO counselor for cause and will develop

procedures for the Director's approval to determine when such an action shall be taken.

The OEEOA will monitor all aspects of FBI operations that could reveal symptoms of EEO problems. The office will develop computerized case monitoring and tracking systems to monitor selection and promotion procedures, disciplinary matters, the performance appraisal system, temporary duty assignments of FBI Special Agent Linguists and resignations and other aspects of FBI operations for the purpose of identifying problem areas and making recommendations to FBI management for improvement.

The Inspection Division will develop procedures to increase its focus on our compliance with EEO laws and regulations and the effectiveness of our overall EEO programs during regular field office inspections.

Additional resources will be assigned to the OEEOA to permit it to meet its increased responsibilities in a timely fashion.

#### Career Development Program

The FBI will commission a study by an outside consultant of its system of selection for promotion with the objective of determining and validating those criteria which are identified as necessary to the performance of supervisory positions in the FBI. This study will also incorporate the subjects of development of criteria, dealing with unique situations, preparation of guidelines for evaluators, training of evaluators and decision makers, preparation of documentation, and other management issues relevant to selection criteria development.

The FBI will make special efforts to include minorities on selection panels, both in the field and at FBI Headquarters. If the minority is of appropriate rank, he or she will be included as a voting member; if not, he or she will be included as a non-voting member in an advisory capacity.

The FBI will establish a grievance procedure for career development matters. Once it is established, the FBI will advise all Special Agent personnel of the grievance procedure. The grievance procedure for positions in the FBI Senior Executive Service will be instituted consistent with the requirements of the statutes established that govern it.

The responsibilities of the Field Office Career Boards will be increased to require them to consider and make recommendations to the SAC regarding selection of FBI Special Agents for the Management Aptitude Program (MAP) I, Relief Supervisor, Principal Relief Supervisor, Supervisory Senior Resident Agent, and Senior Resident Agent.

The Field Office Career Board will be required to forward its recommendations on each position considered to the SAC by memorandum, setting out for each position considered, the following documentation:

- (A) A list of viable candidates, either self-identified or identified through performance;
- (B) Criteria utilized for selection;
- (C) Rank order of candidates decided upon by the Field Office Career Board; and,
- (D) A summary of any discussion by the Field Office Career Board of protected characteristics such as race, gender, ethnic origin, age, religion, or handicapping condition.

In order to guard against one supervisor blocking an employee from consideration for promotion, the FBI Executive Career Board will receive the recommendation of both the Field Office Career Board and the SAC for applications for supervisory positions. The Special Agent in Charge will be required to justify differences in his or her recommendation from that of the Field Office Career Board.

The recommendations of the SAC and the Field Office Career Board for advancement of an individual to the supervisory ranks either in the Field or at FBI Headquarters will be provided in writing to the Executive Career Board at FBI Headquarters. These submissions will set out the candidates in rank order, state the basis for the rank order and provide a written evaluation of all individuals who applied or were considered. A general grouping of individuals who lack necessary experience, time in the organization, or other essential prerequisites for consideration, may be provided.

The Executive Career Board will maintain a full set of documentation for each selection made including all individual applications (FD-638's), field office memoranda describing the screening and evaluation process by the Field Office Career Board, a copy of the vacancy advertisement and the summary memorandum prepared by the Secretary to the Career Board. This memorandum will specifically describe any consideration by the Executive Career Board of protected characteristics, including race, gender, ethnic origin, age, religion or handicapping condition.

All GM-14 and GM-15 Supervisory Special Agent position vacancies will be advertised Bureau-wide, with the exception of Assistant Special Agent in Charge (ASAC) vacancies, and the criteria to be used for selection will be listed for each position in order of importance.

Vacancies for the ASAC position will be announced in conjunction with the notices of promotions or Career Board actions that are not sent by teletype throughout the Bureau or by separate communication if necessary. Inasmuch as all qualified candidates are automatically considered for each ASAC vacancy, it will not be necessary for individuals to apply for consideration for these positions.

A list of candidates eligible for consideration for the position of ASAC will be published.

The role of Career Board Secretary as an ombudsman to all participants in the Career Development Program will be further publicized. It will be emphasized that any participant in the Career Development Program may directly contact the Career Board Secretary to discuss any application for promotion he or she may have made, the relative position of the applicant, any notable deficiencies in the application, possible steps for improvement of the chances for selection and an assessment of their general viability within the Career Development Program.

The Career Board will continue to work with the EEO Office to prepare a monthly report to assist in continuous monitoring of minority participation in the Career Development Program.

Lists of applicants for each position considered by the Career Board and the name of the candidate selected will be furnished to the EEO Office to assist in tracking minority applications in the Career Development Program and to ensure Career Development Program compliance with EEO quidelines.

The Career Board will assist the OEEOA to develop EEO sensitivity training for the FBI's mid-level managers to equip them with the skills necessary to implement and comply with EEO laws and regulations.

An inspection audit will be developed to assess the compliance of Field Office Career Boards with applicable EEO laws and regulations.

A file will be established to track those relief supervisors who withdraw from the Career Development Program to enable the FBI to detect factors of EEO significance which may be causing withdrawals from the Career Development Program.

SACs will be reminded of the need to identify, train, and provide job experience to future FBI leaders, particularly minorities and women.

Relief supervisor evaluations will be automated to enhance retrieval and analysis of information concerning

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participation in the Career Development Program at the relief supervisory level. The resulting data will be analyzed by the Career Board Secretary for the purpose of developing recommendations concerning the experiences of minority relief supervisors. All such data will be provided to the OEEOA.

In order to insure relief supervisors receive the opportunity to develop their management skills, the amount of time each relief supervisor spends acting in that capacity will be recorded.

All minority FBI Special Agents who hold positions and meet qualifications necessary to be trained as MAP assessors will be trained and thereafter regularly scheduled to act as MAP assessors.

A long-range Legal Attache succession planning process will be implemented that will identify qualified managers who can develop their language skills and those individuals with language proficiency who can develop managerial skills. This process will insure that such individuals are afforded FBI Headquarters supervisory experience.

Teletypes advertising vacancies in Legal Attaches now list selection criteria in order of importance: demonstrated investigative skills; managerial experience; language proficiency; and language aptitude.

FBI Headquarters will track by name those FBI Special Agents assigned to temporary duty assignments to oversee the utilization of personnel on such assignments. FBI Headquarters will insure equitable distribution of temporary duty assignments and will take corrective action where it determines an individual is being overused in temporary duty assignments.

- A list will be maintained of all viable candidates qualified for all positions considered by the Senior Executive Service (SES) Career Board.
- A formal memorandum will be prepared documenting the deliberations of the SES Career Board which will specifically describe any discussion or consideration of protected characteristics including race, gender, ethnic origin, age, religion, or handicapping condition.

Vacancies for all positions in the SES, formerly at the GM-16 level or above, will be announced by means of a communication throughout the FBI. Applications will not be required as all qualified candidates will automatically be considered.

#### Language Services Program

The service obligation will be clarified for Special Agents who enter the FBI under the language program or who

receive language training at Bureau expense, when they enter on duty or receive training, explaining the careerlong obligations of all FBI Special Agents that possess a foreign language skill to use the language when needed. This obligation (except for a three-year preclusion for the language-trained Agent) will not preclude any Special Agent from participating in the Career Development Program or becoming eligible for an Office of Preference transfer or any other similar benefits.

All future Special Agent applicants will be informed of the program (language, modified, law, etc.) under which they enter the FBI.

Subject to the concurrence of the Office of Personnel Management, a pilot program is being implemented in the top twelve, San Juan, and Texas field offices that will give a substantial bonus payment to employees each time they raise their oral proficiency in a foreign language to a successively higher level, as measured by the oral proficiency interview.

The performance plan critical elements for both SACs and Special Agents meeting specified criteria with regard to the language program will be adjusted to explicitly address, measure, and recognize accomplishments in the utilization of language resources and skills.

A foreign language incentive program is being implemented field-wide formalizing the use of cash awards to recognize the contributions of investigative Special Agents and support employees who make substantial use of their language skills, based in part upon proficiency level and the employee's performance appraisal.

Entry into the language program by any on-board employee will be voluntary. A proficiency test for entry will be necessary should an employee desire to be considered for participation in the program.

Intensive efforts are presently underway to recruit and hire at least 30 additional (non-agent) Spanish Language Specialists, which should satisfy a high percentage of the field's Spanish language monitoring requirements. This should complete the efforts started in 1987, when Title III was amended to allow support employees to perform these tasks, and result in very limited use of Special Agents on Spanish language monitoring assignments, compared to past practice.

Finally, Director Sessions is still personally considering many aspects of the programs and policies that have EEO implications and more changes of a similar nature may be necessary in the future.

QUESTION: What has been the impact of the media attention given to this issue? I understand that Bureau recruiters have been barred from several college campuses?

ANSWER: In the Fall of 1988, the Dean of the University of Michigan Law School, Ann Arbor, Michigan, advised the FBI that the University of Michigan Law School was adopting a policy of prohibiting the FBI from recruiting on campus as a direct result of the findings in the Perez lawsuit by Judge Lucius Bunton. Since that time, Director Sessions has exchanged private and confidential communications with Dean Lee Bollinger requesting reconsideration of his position.

Director Sessions is hopeful that a dialogue will continue in an effort to obtain reconsideration of this one-year ban denying the use of student placement facilities to employers that discriminate. Director Sessions has been invited and has accepted an invitation to address the commencement exercises at the University of Michigan in May 1989.

The Ohio State University Law School and the FBI have reached an accommodation as a result of the law school's concerns regarding FBI recruiting. We are currently recruiting off the Ohio State University campus. Notwithstanding these off-campus meetings, our recruitment activities have not been impaired to any degree. The Ohio State University Placement Office is promoting employment opportunities through student notification and distribution of FBI literature.

The FBI is not aware of any other colleges or universities that may impose a recruiting ban on the FBI.

QUESTION: These instances of discrimination and supervisory retaliations imply that serious shortcomings exist in the Bureau's ability to oversee its own agents' conduct? Would you comment on this and what, if any, changes you are implementing?

ANSWER: I believe the FBI has the ability to oversee our Agents' conduct as appropriate. The Office of Professional Responsibility was established in the Inspection Division in 1976 to investigate and/or supervise the investigations of allegations of criminality or serious misconduct on the part of FBI employees. During 1988, the Justice Management Division, Department of Justice, conducted a six-month audit of our OPR and overall disciplinary process. The final report noted no need to consider any issues.

I would point out that our OPR operates in close coordination with the Office of Professional Responsibility in the Department of Justice to insure that all allegations against FBI employees are investigated in a thorough, objective and timely fashion. I have also taken steps to insure that there is a closer coordination between the OPR and the EEO Office in order to insure that all allegations of discrimination will be handled appropriately. I also have instructed that the results of

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EEO investigations will be referred to the Administrative Summary Unit of the Administrative Services Division for review and a determination of whether disciplinary action is necessary against any FBI employee.

I recently elevated the FBI's EEO Office and have directed that it be headed by a Senior Executive Service level person who will also be a part of my Executives' Conference of senior managers who assist me in setting FBI policy. This individual will also have direct access to me as necessary.

QUESTION: Have you, or will you, study the process of overseeing employees' alleged misconduct? Do you believe that this is an issue the new Inspector General should study?

ANSWER: The matter of misconduct by FBI employees is extremely important to me. We, in the FBI, must meet the highest standards of conduct.

I have and will continue to study the process involved in the FBI overseeing employees' alleged misconduct. Our OPR investigates allegations of criminality or serious misconduct on the part of FBI employees. It is in our Inspection Division which reports directly to me. As addressed earlier, during 1988, the Justice Management Division of the Department of Justice conducted a sixmonth audit of our OPR and overall disciplinary process. The final report noted that there were no issues that needed attention. I can assure you that whenever I determine that improvements can be made in our overall disciplinary process, I will certainly take appropriate action.

I do not believe that this is an issue that the new Inspector General should study. The FBI has the mechanisms in place to handle such allegations of misconduct by employees and is subject to the oversight of the Office of Professional Responsibility in the Department of Justice.

#### **Fugitive Apprehensions**

QUESTION: There was considerable publicity last year about a "turf war" between the Harshals Service and the FBI over the pursuit of fugitives, which we understand was resolved by the Attorney General. What are the specific fugitive apprehension responsibilities of the FBI and how has that changed from previous years?

ANSWER: On August 11, 1988, former Attorney General Edwin Meese III approved and signed the "Policy on Fugitive Apprehensions in FBI and DEA Cases." This policy applies to fugitives in FBI and DEA cases and delineates the fugitive apprehension responsibility of the FBI, DEA and USMS. In this policy, the FBI is designated fugitive apprehension responsibility regarding: (1) all arrest

warrants resulting from FBI cases; (2) bond default violations prior to adjudication of guilt in FBI cases; (3) investigations of State and local fugitives sought pursuant to the Unlawful Flight Statutes; and (4) foreign fugitives who meet certain criteria. These are: (a) whenever the fugitive, or the organization of which he is a current member, is the subject of an existing FBI Foreign Counterintelligence, FBI Organized Crime, or FBI Terrorism investigation; (b) whenever the FBI is seeking the fugitive on an arrest warrant for a Federal offense; (c) whenever the fugitive is the subject of an FBI investigation that it is currently conducting at the request of the foreign government concerned; or (d) whenever a referral has been made exclusively to the FBI through one of its legal attaches.

The most significant change in the FBI's fugitive apprehension responsibility resulting from the August 11, 1988, policy concerns DEA fugitives. The 1982 agreement between the FBI and DEA allowed DEA the option of delegating fugitive apprehension to the FBI concerning certain significant (Class I & Class II) DEA fugitives. The new policy allows DEA the option of delegating fugitives who are not apprehended within seven days after issuance of an arrest warrant to the USMS.

Prior to the new policy, the fugitive apprehension responsibilities of the FBI and the USMS were defined in a July 1979 Memorandum of Understanding (MOU). This MOU, while covering general areas of fugitive responsibility, was lacking in specifics. The new policy is much more comprehensive and specific than the 1979 MOU.

A working group has been established in an effort to resolve any issues that might arise that conflict with the goal of clearly establishing a "one agency, one fugitive" policy. The areas of concern include: (1) the investigation of foreign fugitives; (2) the specific method by which disagreements are resolved when two or more Federal agencies are seeking these fugitives; (3) the USMS belief that the provisions of the policy may be superseded by a request from a U.S. Attorney or any other officer of the court; and (4) the USMS involvement in seeking the apprehension of State or local fugitives who travel interstate for whom no Federal warrant is outstanding.

QUESTION: I understand that when disputes arise between the FBI and Marshals, that the Associate Attorney General is to act as a "referee". How has this worked so far? How many disputes have been referred?

ANSWER: Since the approval of the new fugitive apprehension policy, several questions have been referred to the Office of the Associate Attorney General. Initially, the principal areas of concern addressed by the Associate's Office involved interpretations of the policy itself. At a meeting with the heads of the FBI, DEA, and

USMS on November 8, 1988, several questions relating to respective agency jurisdiction over foreign and domestic fugitives were resolved. For example, it was agreed that the FBI will not seek a Federal Unlawful Flight to Avoid Prosecution (UFAP) warrant on a fugitive being sought by the USMS pursuant to its jurisdiction under the policy, and that the USMS correspondingly will not pursue a fugitive being sought by the FBI under a UFAP warrant. Further procedures were agreed upon at that meeting for the handling of international fugitive matters. Since that time, several questions relating to international fugitive investigations have been discussed with the Associate's Office by the FBI and USMS, but there have been no disputes referred for resolution.

QUESTION: Does the new Attorney General support this procedure and do you believe it will continue in its present form?

ANSWER: The Attorney General has endorsed the policy established by Attorney General Meese. I believe it will continue in its present form.

#### Digital Voice Privacy Program

QUESTION: What is the status of the digital voice privacy program? How does this compare with the original schedule of program implementation?

ANSWER: Fourteen field offices have fully operational Digital Voice Privacy (DVP) systems. Fourteen additional offices will have operational systems by the end of 1989. Eighteen field offices are scheduled for completion in 1990 and the final 12 field offices will be operational in 1991. DVP installation will be completed one year ahead of the original implementation schedule. The initial DVP plan called for only 16 field offices to have system acceptance through 1989, 32 through 1990, 38 through 1991, and the last 21 field offices to be completed in 1992 based on a total of 59 field offices (prior to the consolidation of the Alexandria Field Office).

QUESTION: How many field offices have fully installed systems?

ANSWER: Currently, 14 field offices have fully installed, operational systems.

QUESTIOM: What are the expenditures to date on the digital voice privacy program? What is the FBI's current cost estimate by year for completing the digital voice privacy program?

ANSWER: From 1982 through 1988, the FBI expended approximately \$194 million for the DVP program. The following table depicts projected expenditures through 1991.

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### Federal Bureau of Investigation Digital Voice Privacy Radio Equipment (In thousands of dollars)

Fiscal Year	Total <u>Available</u>	Cumulative Total
1982	\$7,602	\$7,602
1983	29,548	36,610
1984	63,052	99,662
1985	32,025	131,687
1986	24,279	155,966
1987	20,918	176,884
1988	17,205	194,089
1989	14,880	208,969
1990 est.	16,813	225,782
1991 est.	16,813	242,595

# Field Office Information Management System (FOIMS)

QUESTION: The FBI initiated FOIMS to provide its 59 field offices with automated support for their investigative and administrative operations. What is the current status of implementing FOIMS baseline capabilities, and what has been the accumulated cost since the inception of the program to achieve field office automation?

ANSWER: Baseline FOIMS capabilities, consisting of word processing, case management (leads, indices, case assignments), personnel management, and administrative reports, is currently on-line in all 58 field divisions and 170 field locations (resident agencies and off sites). Based on the needs of the field office user, baseline functions were expanded to include vehicle management, telephones, evidentiary exhibits, alternate indices searches, time capture, and forfeiture. Specific extended baseline FOIMS capabilities are currently on-line in select FBI field locations. All field offices were provided capabilities for vehicle management and forfeitures in the first quarter of 1989, and the capability for evidentiary exhibits will be available in mid-March 1989. Centralized files for telephone applications were recently made available to select field offices. Phasing in of all pen register devices to this file will be completed in 1990. The accumulated cost since inception of FOIMS through 1988 to achieve field office automation is approximately \$256 million.

QUESTION: What additional capabilities will be added to achieve "full FOIMS"? When will they be added, and what will be the additional cost?

ANSWER: Full FOIMS functionality includes single source data entry, real time global query, generic case management, full text retrieval, electronic file, digital imaging, and embedded expert systems and will be supported by one intelligent workstation for every two persons. The FBI's projected completion date for full FOIMS implementation is 1993. The cost to complete full FOIMS functionality is approximately \$496 million.

QUESTION: What are the FBI's requirements in terms of the number of regional data centers needed to support complete implementation of baseline FOIMS and full FOIMS in the field, and how many data centers are presently operational?

ANSWER: A review is currently underway to determine the appropriate number of regional data centers required by the FBI. Consideration is being given to the feasibility of expanding the existing headquarters data center versus the addition of a third regional data center. FOIMS is currently supported by two RCSCs with 11,600 total square feet of raised data center floor space. The first RCSC is located in Ft. Monmouth, New Jersey, and contains 3,500 square feet of raised data center floor space. The second RCSC is located in Pocatello, Idaho, and contains 8,100 square feet of raised data center floor space.

QUESTION: The fiscal year 1990 budget request contains an identified reduction in funding of \$7 million. What impact does this reduction have on the original objectives and schedule for the program?

ANSWER: The proposed program decrease of \$7,000,000 for FOIMS intelligent workstations would reduce the 1990 base level of funding from \$23,213,000 to \$16,213,000 for workstation procurement. However, the request is actually a 32 percent or \$3,915,000 increase over the 1989 planned funding level. FBI automation plans call for the acquisition of 10,500 intelligent workstations by 1992. As a result, FBI automation systems will be stretched out until 1993. At the end of 1993, the FBI would reach the end of the intelligent workstation contract without acquiring the full complement of 8,000 workstations allowed under the terms of the contract.

## FY 1990 Funding

QUESTION: Under mandatory FY 1990 increases associated with annualising costs from the FY 1989 Drug Supplemental, you request \$5 million for equipment for 279 new positions approved in 1989. Please provide a list of the types and associated costs of this equipment.

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ANSWER: The \$5 million for equipment requested as an adjustment for the annualization of the resources obtained as a result of the Anti-Drug Abuse Act of 1998 is necessary to rovide the general and technical equipment supporting the additional personnel being dedicated to drug investigations. The funding would allow for the purchase of such items as general office equipment, furniture and computer workstations for all additional personnel, and firearms, body armor, automobiles, radios, and car alarms for agent personnel.

The funding for specific categories of equipment is provided in the table below:

Office furniture & fixtures	\$1,016,000
Automobiles	1,165,000
Firearms & body armor	40,000
Computer workstations	2,133,000
Hand radios & car radios	642,000
Car alarms	12,000
Total	5,008,000

QUESTION: You are requesting no additional funds for training in FY 1990 and yet the table on page 42 of your justification identifies an increase in the planned number of new FBI Special Agent students from 308 to 1,170. How do you plan to accomplish this? Since you only have demand for 236 Special Agents, why are you planning for 1,170?

ANSWER: The current and best available estimate of new agents to be trained in 1990 is 600 and not the 1,170 previously cited in the table on page 42 of the Training Division's 1990 congressional budget submission. The Training Division should be in a position to train the 600 new agents and also maintain our in-service training program.

QUESTION: In FY 1988, \$30,458,000 was appropriated for the Administrative Services. According to page 12, you actually obligated \$63,264,000. Why did you reallocate these funds to this account and was this transfer approved in a reprogramming request? Why does funding go back down to the \$32 to \$34 million level in FY 1989 and FY 1990?

ANSWER: The majority of the \$33 million difference between the 1988 funding and obligations levels for the Administrative Services program can be found in the following major object classes: Personnel Compensation; Personnel Benefits; GSA Rent; Communications, Utilities, and Miscellaneous Charges; and Other Services.

An amount of \$14.3 million obligated in Personnel Benefits and Other Services in the Administrative Services program should have been proportionally shared by all FBI field programs. This was a program costing error at the end of 1988. Hence, no reprogramming notification was submitted.

A chart is provided below to depict the specific major object class differences between the 1988 budgeted and actual obligation levels in the Administrative Services program.

### Administrative Services Program 1988 (In thousands of dollars)

Object Class	Funding	Obli- gations	Change
Personnel			
Compensation	\$15,197	\$21,751	\$6,554
Personnel		V = V	
Benefits	3,847	9,459	5,612
Travel of	·	·	·
Personnel	482	716	234
Transportation of			
Things	24	832	808
GSA Rent	657	3,130	2,473
Communications, utilities and			
miscellaneous			
charges	2,625	4,894	2,269
Other Services	2,788	16,745	13,957
Equipment	178	1,088	910
Other*	4.660	4.649	(11)
TOTAL	\$30,458	\$63,264	\$32,806

* Includes Benefits for Former Personnel, Rental Payments to Others, Printing and Reproduction, and Supplies and Materials.

The FBI is currently studying the funded versus actual obligations situation in the Administrative Services program and is considering the possibility of submitting a reprogramming request to permanently correct the differences in these amounts.

QUESTION: You request an increase of \$6,500,000 to continue Artificial Intelligence initiatives. How much is available for this initiative in fiscal year 1989 and what is your timetable for completing the different phases and what will be the cost by fiscal year?

ANSWER: In 1989, the FBI will spend \$2,900,000 from base funding for artificial intelligence initiatives. Attached is a chart depicting a timetable for artificial intelligence development along with historical and projected costs for each system by fiscal year.

Pederal Bureau of Investigation Artificial Intelligence (Dollars in millions)

			Cost	Antio	Anticipated Expenditure	Expend	ture
Expert System	Completion Date	Total	Total Through Cost 1988	1969 1990# 1991 1992	1989 1990* 1991 1992	1991	1992
Counterterrorism 1991 68.40 63.9 61.5 61.5 61.5	1991	<b>65</b> .40	\$3.9	£.5	<b>\$1.5 \$1.5 \$1.5</b>	\$1.5	
Decision Support	1992	6.5				2.5 1.0 \$0.5	<b>\$</b> 0.5
Labor Racketeering	1991	10.0	9.6	7.7.	1.8	1.8	
Counterintelligence	1993	6.50	0.00			8.	3.0
Subject Ident.	1990	0.97	0.80		e. 0		
Crime Scene Analysis						9.8	2.0
White Collar Crime	•				1	1.5	2.0
Total		32.37	12.5	2.0	•	•	•

* 1990 Artificial Intelligence request of \$6,500,000 pending with Congress.

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QUESTION: On page 53 you request \$6,131,000 for additional costs to lease communications circuits. One of the reasons given for the high cost for these circuits is the redundancy needed to maintain a standard of 99 percent reliability. Why does the FBI require 99 percent reliability? What is the normal, industry-wide rate of reliability? How much does this redundancy cost the FBI?

ANSWER: The 99 percent reliability rate is required to ensure that the FBI's telecommunications network provides uninterruptible service to users. The FBI is currently installing secure carrier circuits which will provide users the capability to support secure transmission of data, voice, video, and images. This capability will allow field agents to access and acquire investigative information in a timely manner. The industry-wide rate of reliability is at minimum 99 percent. The redundancy provided through the FBI's telecommunications is directly related to network design and is included in basic telecommunication costs. Increased network reliability is obtained by providing redundancy of communications paths. This redundancy is engineered into the channelization of individual circuits. Therefore, redundancy is not related to specific circuits within the network, but rather is provided by the increased band width provided in selected circuits.

QUESTION: You identify a program reduction of 129 positions and \$1,094,000 to be derived from A-76 contracting out of certain functions. Please provide a list of functions you are considering? Do you believe contracting out these functions will degrade records management services?

ANSWER: This reduction is only for the Records Management program. The FBI will attempt to contract out as soon as possible a total of 238 positions to cover the 129 positions required for 1990, and the 109 required during 1989. Since the contracting for both years is being attempted simultaneously, we have not allocated specific positions to a specific fiscal year. The following is a list of the functions estimated to be impacted by the Circular A-76 savings in the Records Management program.

Mail Room and Courier Services
(includes internal mail delivery
and messenger services).

Word Processing (Office of Automation
and Information Management)

Facilities Management (maintenance and
repair of Telelift, Mailmobile,
File-trieve and Pneumatic Tube
equipment)

11

Personnel Records (background investigations, performance appraisals, health, promotion and disciplinary records for all FBI employees)

50

Filing Subunit (Records Section)

29

Name Searching (searching manual and automated index to FBI records, primarily for customers outside the FBI

88

Total, Records Management program

238

The FBI has for decades operated a manual records system that has been the marvel of other agencies. When other agencies could not locate a document, the FBI invariably could. This system is understandably a complex, manual system tailored over the years for applications not duplicated elsewhere. Enormous resources have been devoted over the past decade to convert to an automated system. Hundreds of workyears were required to convert 19 million index cards to automated data. We are in the midst of that overall process, and had expected to be so at least until the mid-1990's. Consequently, it is a critical time to turn this system over to a contractor.

QUESTION: You request \$1,000,000 and 40 additional positions for FOIMS Field Electronics Technicians and also \$1,350,000 and 54 positions for Digital Voice Privacy Field Electronics Technicians. Since all of these technician positions are located at field offices, can the technician be trained for both types of equipment and would there be savings by reducing the overall number?

ANSWER: Field electronic technicians currently perform work on both automation and technical equipment. It has been determined that approximately 40 percent of a field electronic technician's time is devoted to automation while the remaining 60 percent is dedicated to technical equipment. Based on workload requirements, an additional 94 electronic technician positions are required.

## Fingerprint Identification

QUESTION: Please describe the current timetable and funding needed by fiscal year for complete development and implementation of Phase III of your Automated Identification System (AIS) for fingerprints.

ANSWER: The Automated Identification System - Phase III (AIS-III) has been ongoing since the contract was awarded in January 1985. To date, all computer equipment has been delivered and is in place as are the document transport systems. The implementation of AIS-III was delayed originally from December 1988 until March 30, 1989, due to, among other things, the contractor having fallen

behind schedule in the development of software for AIS-III. Testing was conducted during February 1989, and will continue during March with implementation now scheduled for April 24, 1989. This additional delay is to allow the contractor time to analyze recent system test results and resolve existing problems. No additional funding will be required to implement AIS-III at this time.

QUESTION: Your request shows a \$1 million reduction for A-76 contracting savings. What is the total number of positions you will lose from the Identification Division and will this impact on your ability to process fingerprint checks in a timely manner?

ANSWER: A reduction of 101 positions and workyears for 1989 and 118 positions and workyears in 1990 have been designated for the Identification Division from OMB Circular A-76. The fingerprint check processing functions previously performed by in-house FBI employees will instead be performed by contract personnel.

#### QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

#### Federal Bureau of Investigation

QUESTION: The President's budget request reflects modest program increases for the FBI and a total increase of \$66.7 million, or 4.6 percent above the FY 1989 appropriated level. How will this funding level impact the FBI's current operating level?

ANSWER: The President's 1990 budget request provides the FBI with a total funding level of \$1,505,846,000 which represents an increase of \$66.7 million, or 4.6 percent, above the 1989 appropriation enacted.

The funding level is derived through a combination of several different elements. A total of \$94,247,000 is provided to cover mandatory cost increases and a non-recurring decrease of \$114,000 is to maintain current services. A total of \$51,589,000 will be transferred to the Organized Crime Drug Enforcement (OCDE) appropriation to be reimbursed to the FBI beginning in 1990. The funding level also includes program enhancements totaling \$37,639,000 which are, in part, offset by program reductions of \$13,437,000. Including the resources to be transferred to the OCDE appropriation, the total amount to be available to the FBI in 1990 is \$1,557,435,000 which is \$118,335,000 or 8:2 percent over the 1989 appropriation enacted. To maintain current services at the 1989 level, the FBI would require \$1,481,644,000.

QUESTION: The request proposes increased resources for two programs -- Automated Data Processing and Telecommunications, and Technical Field Support and Equipment (TFSEE). However, you are proposing reductions to these same programs. Since this is a little unusual, would you explain why the request is structured this way? ANSWER: The increase of 40 positions and \$13,631,000 for the ADPT program is offset, in part, by a reduction of \$7,000,000 to base funding available for procurement of Field Office Information Management System computer workstations. The proposed reduction is a separate action to stretch out acquisition of these workstations. The increases of 57 positions and \$9,695,000 for the TFS&E program is offset, in part, by a reduction of \$4,342,000 to base funding available for procurement of digital voice privacy radio equipment. The proposed reduction is a separate action to stretch out acquisition of these radios.

QUESTION: What has been the overall effect of OMB's Circular A-76 program on the FBI?

ANSWER: The FBI is required to conduct reviews of positions under A-76 which have been designated as commercial activities. The FBI has identified approximately 9,000 support positions or 66 percent of its total support staff which fall within the defined commercial categories and, therefore, are subject to Circular A-76 review. As set forth in Executive Order 12615, the FBI must review three percent of its total workforce or approximately 700 positions each year until all identified positions have been reviewed.

At present, the FBI has been reduced by 393 positions in 1989 and will be reduced by 247 positions in 1990 due to A-76. This reduction is being applied against the mail and file management functions in the following programs: Training; Forensic Services-Federal; ADP and Telecommunications; Records Management; Technical Field Support and Equipment; Fingerprint Identification; Criminal Justice Data and Statistical Services; and Administrative Services.

QUESTION: Every year the FBI submits for approval reprogrammings of funding and positions. Why does the FBI require these reprogrammings?

ANSWER: The reprogramming criteria are dictated by the annual appropriations acts. Section 606 of P.L. 100-459 sets forth the reporting requirements for 1989. In addition, the Department of Justice Appropriations Authorization Act of 1980 has stringent reprogramming requirements. These legislative provisions require that component organizations report on the movement of \$250,000 or more between programs. Reprogrammings are common because the resource allocation process begins three years prior to completion of the fiscal year. Due to the reactive nature of some of the FBI's investigative responsibilities, a reprogramming request is usually submitted to Congress in the fourth quarter of the operating year. This reprogramming request is reflective of these unanticipated, but necessary movements of funding and personnel resources.

The funding requested for 1990 in its fifteen programs varies from \$9,675,000 to \$615,970,000; therefore, a reprograming can be triggered by as little a variation as 0.04 percent from the largest program, Other Field Programs. The budget is initially developed within the FBI in the September-November time frame, almost one and one-half years before its presentation to Congress, a full two years before its execution is begun and three years before its full execution is completed.

External factors affecting the budget execution, as well internal requirements, can legitimately change orities. External factors that recently have impacted priorities. the FBI include pay raise absorption, rent absorption, increased investigative responsibilities mandated by law, rule and/or regulations without enhanced resources, increased health and relocation benefits. Additionally, the FBI is faced with taking a proactive approach to certain criminal activity; however, at the same time, the FBI must react to specific types of criminal violations and devote large amounts of resources into unanticipated and devote large amounts of resources into unanticipated investigations, i.e., the murder of United States District Judge James I. Wood, the uprisings in the Atlanta and Oakdale prison facilities by Cuban refugees, the bombing of Pan Am Flight 103, and the major pizza parlor narcotics investigation with its international implications. Most recently, the United States has intensified its war on drugs, and the Administration, along with Congress, has made this a top priority of law enforcement. The FBI has reacted to this priority and for the last seven years, has devoted more resources to drug investigations than were provided through the appropriation process, thereby resulting in requests to Congress to reprogram resources to support this important initiative. Other similar occurred which necessitate situations have reprogramming requests.

QUESTION: What is the anticipated effect of the Anti-Drug Abuse Act of 1988 on the ability of the FBI to combat the pervasive illegal narcotics problem in the United States?

ANSWER: The Anti-Drug Abuse Act of 1988 provides the FBI with 120 agent positions and 159 support positions or a total of 279 positions, 142 workyears and \$15,000,000 in 1989. Of this amount, 46 agent workyears will be utilized in 1989. Included within the FBI's 1990 request to Congress is 119 workyears and funding of \$12,235,000 required for the full annualization of these positions. This enhancement will allow the FBI to target additional Colombian/South American, Mexican, Asian and European drug trafficking organizations that are major importers and distributors of cocaine and heroin, all in furtherance of the FBI's National Drug Strategy (NDS) goal of reducing the incidence of illegal drug trafficking and the criminal and societal problems attendant to drug trafficking. The NDS has led to a more effective focusing of resources on the highest level of drug trafficking organizations, both

nationally and regionally. These sustained, long-term investigations are resource intensive, but the results are commensurate, i.e., the neutralization of the highest level of drug trafficking organizations and the seizure and forfeiture of their assets.

With the resources provided by the drug bill, the FBI has set priorities in the allocation of additional resources to field offices. Allocation of resources obtained as a result of this Act are as follows:

#### Special Agent Workyears in 1989

#### From the Anti-Drug Abuse Act of 1988

Field Office	Workyears
Dallas	2
Houston	4
Los Angeles	20
Newark	1
Philadelphia	2
Phoenix	3
Portland	2
San Diego	4
Tampa	2
Washington Metropolitan	
Field Office	6
Total	46

Additionally, most major FBI drug investigations are international in scope and require an ever continuing commitment of language trained agents. With the funding available from the drug bill, bonuses authorized under the drug bill for second-language trained agents may be provided to assist in the penetration of international drug trafficking organizations.

QUESTION: The Intelligence Authorization Act for 1988 authorized a five-year demonstration project for the FBI New York Field Office to provide increased pay for the Special Agents assigned to that office. What is the present status of this project?

ANSWER: The New York Demonstration Project covers all FBI Special Agents assigned to the New York Office and approximately 240 of the 790 New York Office support staff. The 25 percent retention allowance became effective beginning in pay period 23, which started October 23, 1988. That enhancement was reflected in paychecks dated November 17, 1988. As of February 24, 1989, approximately 58 employees who transferred to the New York Office after the Demonstration Project was authorized have been paid the \$20,000 mobility payment.

It is too early to draw conclusions from the New York Demonstration Project. However, early signals are encouraging. The resignation rate of those covered by the

project is down as compared to the same period last year. Also, two FBI Special Agents, who are eligible for an office of preference transfer to an office of their choice, turned down that transfer to remain in New York, thereby enabling the New York Office to continue to benefit from their years of experience in the community. Of course, based on the comments of the New York Office management, there is a noticeable improvement in the morale of those covered by the Demonstration Project.

QUESTION: The President has announced a major plan to address bank and savings and loan association failures. Please provide details on the resources the FBI is requesting to support this initiative.

ANSWER: The Administration recently transmitted a 1989 supplemental request of 236 agents and 118 general support positions, 88 workyears and \$23,019,000 for the FBI's involvement in the Financial Institution Fraud Initiative. Also, a 1990 amendment will be submitted reflecting the full-year impact of the financial institution fraud initiative on the FBI totalling 236 agents, 118 general support positions, 100 accounting technicians, 454 workyears, and \$25,039,000.

QUESTION: What is the status of the investigation of the crash of Pan American flight 103 in Lockerbie, Scotland? How can we prevent such terrorist attacks in the future?

ANSWER: On December 21, 1988, when Pan Am Flight 103 crashed in Lockerbie, Scotland, the FBI offered forensic and identification services to the British authorities. Since December 28, 1988, when British authorities announced that it had been definitely determined that the destruction of Pan Am Flight 103 was caused by an explosive device, the FBI has committed extensive resources to this international criminal investigation.

FBI forensic examiners have assisted British investigators in the forensic examination and reconstruction of the aircraft. FBI fingerprint examiners were sent to Lockerbie to assist in the identification of the bodies. The FBI has agents involved in a liaison capacity in Scotland and in West Germany. British authorities detailed observers to the Washington Metropolitan Field Office and, at the present time, a Scottish police officer is still in Washington, D.C.

The cargo container that housed the bomb has been specifically identified and all luggage in that container is in the process of being identified in Scotland. It has been determined that the bomb was contained in a radio cassette recorder and carried on-board the aircraft, either in Frankfurt or London by a person or persons unknown at this time.

Forensic examinations continue in an effort to determine the type of luggage in which the radio cassette recorder was located. Through investigation and forensic examination, it is anticipated that investigators will be able to identify the witting or unwitting courier of the explosive device.

This international investigation which involves the FBI, New Scotland Yard, Scottish Police, and German authorities, is being handled as a major case investigation and is being given the priority associated with such an investigation.

Since its inception, this investigation has been conducted in complete cooperation with British and German law enforcement agencies. The resources of the United States Government are being fully utilized and this includes both the law enforcement and intelligence communities. The FBI, as the lead investigative agency for the United States Government, is coordinating the investigation here in the United States FBI jurisdiction in this case is derived from the Omnibus Diplomatic Security and Antiterrorism Act of 1986 which made it a violation of United States law to murder any United States National abroad during the commission of a terrorist act.

All agencies involved in this complex international investigation, both here in the United States and abroad, are committed to dedicating whatever resources are necessary to resolve this case and bring those responsible to justice. No time frame has been established for the resolution of this case.

Terrorist attacks are prevented through an effective use of dedicated resources, enhanced counterterrorism training, efficient use of an increasingly effective intelligence base, exchange of terrorist-related intelligence information between both the United States and foreign intelligence agencies, and aggressive pursuit of terrorists who have been charged with violations of existing United States statutes.

These counterterrorism initiatives have proven effective. Within the last five years, the FBI and local law enforcement agencies in the United States have been able to prevent 49 terrorist incidents which would have resulted in significant property damage and loss of life.

Terrorists have increasingly developed the technical expertise to avoid modern equipment such as airport x-ray devices in their attempts to commit terrorist attacks. As a result, law enforcement must be vigilant and the collection of intelligence information is deemed to be significant in deterring criminal acts of terrorism.

QUESTION: In 1985, the Drug Enforcement Administration relocated its agent training from the Federal Law Enforcement Center in Glynco, Georgia, to the FBI Academy in Quantico, Virginia. Now that the FBI is sharing the FBI Academy, are you able to meet your training

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requirements? What percentage of the Academy's capacity is being used by the FBI and DEA, respectively? How has your training of state and local law enforcement been affected?

ANSWER: A combination of factors to include limited lodging facilities, travel monies, and the relocation of DEA's training program to the FBI Academy in 1985 has greatly affected the FBI's ability to meet internal and General Law Enforcement Training (GLET) training requirements. Since 1983, there has been a 34 percent decline in the number of training courses offered at the FBI Academy for local, county, and State police officers and future year projections reflect a continued declining trend.

An analysis of FBI and GLET training needs through 1995 projects that on average, a minimum of 90 percent of the FBI Academy space will be required annually to meet FBI training obligations. This projection was based on our historical commitment to upgrade the professionalism of local law enforcement, but more important to address the continuing developmental needs of our Special Agent workforce. It is estimated that by 1995, 70 percent of the FBI's Special Agent complement will have 11 years or less of experience. Of this amount, 37 percent will average five years or less. These projections do not include any enhancements or overall growth in the FBI Special Agent workforce. As such, if the FBI is to replace a substantial portion of its Special Agents in the period of heaviest attrition, a substantial commitment of FBI Academy resources must be available to meet an aggressive hiring plan.

In order to accommodate DEA training, the FBI has increased the number of often costly regional schools and off-site facilities in the Quantico and Northern Virginia areas. During the time period of 1985 to 1988, it is estimated that \$1,000,000 was expended for student off-site lodging.

During the past two fiscal years (1987 and 1988), it is estimated that 20 percent of FBI Academy lodging space was utilized for DEA training. In regard to the FBI's GLET program, it should be reiterated that, since 1983, there has been a 34 percent decrease in the number of courses available for the local law enforcement community. Compounding this problem is the fact that the Laboratory Division, Forensic Science Research and Training Center, is meeting less than 25 percent of the demand for scientific and technical training and, due to lodging and budgetary restrictions, has been operating at approximately 50 percent of capacity for the past seven years. Violent crime training assistance has been curtailed. An analysis of the national survey on State and local law enforcement needs in the United States indicates that the FBI Academy has been unable to address their training priorities.

QUESTION: Recently, there has been considerable comment by law enforcement agencies regarding the criminal element having superior weapons as compared to their own officers. The tragic occurrence in Miami wherein two of your Special Agents were killed by individuals wielding assault rifles and semiautomatic handguns is a typical example of this condition. What steps has the FBI taken to insure its special Agents are equipped with comparable weapons? What are the funding requirements necessary to adequately provide suitable weapons to each Special Agent?

ANSWER: Since the Miami shooting incident in 1986, in which two FBI Special Agents were killed and five were seriously wounded, the FBI has taken several steps to enhance the effectiveness of weapons, and ammunition available to its Agents.

The number of available shoulder weapons has been significantly increased by the addition of 750 9mm semiautomatic carbines. To facilitate their accessibility, a new weapons mount has been designed and will soon be available for installation in Bureau vehicles.

In addition to increasing the number of shoulder weapons, several measures have been taken to enhance the effectiveness of available handguns. Although the revolver remains the standard issue handgun for the general agent population, more than 1,500 9mm semiautomatic pistols have recently been issued, and agents who desire to do so are authorized to use personally-owned pistols in 9mm and .45 caliber. The PBI views these steps as interim to the ultimate goal of issuing a new, and more effective, semiautomatic pistol to every agent.

To attain that goal, in 1988, the FBI initiated a comprehensive weapons and ammunition research and evaluation project to determine the optimum handgun for FBI Agents. As a result, specifications have been drafted for a new semiautomatic pistol. Based on the results of unique and extensive ammunition tests conducted to date, the specifications call for the new pistol to be chambered for a new 10mm cartridge developed by the FBI's Firearms Training Unit. Additional evaluations of the new cartridge are now being conducted by the FBI's Hostage Rescue Team. Once those tests are completed, the specifications for the weapon, including the caliber, will be finalized. Cost estimates are not yet available.

QUESTION: What is the status of the FBI's Automated Identification System? How much funding is needed to fully implement the AIS and the Automated Latent System (ALS)?

ANSWER: The Automated Identification System - Phase III (AIS-III) will incorporate automation gains to date into a

single on-line integrated system. The project has been ongoing since the contract was awarded in January 1985. To date, all computer equipment has been delivered and is in place, as are the document transport systems. The implementation of AIS-III was delayed originally from December 1988 until March 30, 1989, due to, among other things, the contractor having fallen behind schedule in the development of software for AIS-III. Testing has been conducted during February 1989, and will continue during March with implementation now scheduled for April 24, 1989. This additional delay is to allow the contractor time to analyze recent system test results and resolve existing problems. No additional funds will be required to implement AIS-III.

The Automated Latent System addresses an area where very little of the work effort has been automated to date. However, no further plans are underway in this area.

#### QUESTIONS SUBMITTED BY CONGRESSMAN CARR

#### Federal Bureau of Investigation

QUESTION: I would like to ask a few questions about the FBI's recent efforts to combat the problem of telemarketing fraud. As you are aware, the FTC has estimated in 1988 that losses from telemarketing fraud exceed \$1 billion per year. What has the FBI done in each of the last three years to combat telemarketing fraud? What amount of resources has the FBI committed to address telemarketing fraud in each of the last three years? What amount of resources does the FBI intend to commit during the next year to address telemarketing fraud? Are the existing criminal laws sufficient to address telemarketing fraud or do you feel that amendments to existing law or new laws are required to effectively combat the problem?

ANSWER: The FBI has no specific quantifiable program dealing with "telemarketing fraud" per se because the term encompasses so much. "Telemarketing fraud" really includes all schemes where a telephone or wire communication is a principal component of the scheme to defraud. The impact on consumer losses range from fraudulent sales of home or office products, travel packages and vitamin packages to the sale of land, stocks, commodities and precious metals and stones. The fraud itself in some instances takes place when improper charges are made against the consumer's credit card, no merchandise or promised travel is received or when the product received is not of the value or utility advertised. Fraud also occurs when the consumer is enticed to invest by the criminal using some negotiable instrument other than a credit card in land, stock, commodities or precious metals and stones which turn out to be fraudulent or non-existent. These are generally called "boiler-room operations" in our terms but use the same methods of high pressure telephone marketing as does "telemarketing fraud." Losses in the first instance are

generally limited to smaller dollar amounts due to credit levels and credit card industry approval procedures. In the second instance, larger dollar amounts are lost by the consumer since credit cards are not usually the method of payment. The similarities between these two instances of fraud are that high pressure telephone solicitation methods are generally used against the consumer and there are numerous consumer victims, located in many jurisdictions, each suffering relatively small fraud losses. The aggregate loss to all consumer victims as a result of a single scheme is usually very large but difficult for law enforcement to prosecute because of the multi-jurisdictional nature of the crime. It is difficult in multi-jurisdictional cases to identify the number of victims and the scope of the fraud without a central clearinghouse for such information.

The FBI investigates this type of criminality under its jurisdiction in the Fraud by Wire statute primarily. While not all Fraud by Wire cases are "telemarketing" or "boiler-room" cases, we would estimate that between 10 to 20 percent are in any given year. Specific statistics for "telemarketing" or "boiler-room" fraud are not retrievable in FBI records. The criteria generally used by the FBI for prioritization of our investigations in the Fraud by Wire area are national or international cases with losses in excess of \$25,000 and 10 or more subjects of investigation. While we have had some experience in the investigation of "boiler rooms" internationally, our primary thrust in this crime problem is within the United States

The table below sets forth the FBI's resource commitment and accomplishments in Fraud by Wire investigations in the United States (10 to 20 percent of which are estimated to be "boiler-room" investigations.)

	FY 1986	FY 1987	FY 1988
Caseload	2,269	2,198	2,275
Personnel Util: (Direct Agent )		210.1	211.7
Convictions/ Pretrial Dive	ersions 578	561	563
Fines	\$3,684,811	\$3,924,133	\$7,206,279
Recoveries	\$24,272,150	\$42,550,137	\$24,627,041
Restitutions	\$30,588,541	\$51,329,171	\$71,906,497

We would anticipate a similar commitment of resources during the next fiscal year given the same level of available investigative resources. In response to your question as to the adequacy of existing criminal laws to address this problem, our belief is that they are adequate. In our opinion, forfeiture provisions as an addition to existing white-collar crime fraud statutes would act as a greater deterrent to this type of crime and prevent, as much as possible, the criminals from retaining the proceeds of their criminality.

QUESTION: I understand that you have approved the Economic Crime Index, which is intended to create a central clearinghouse of information on fraud investigations conducted by various government agencies. Has the Economic Crime Index been funded? If not, why? Will the Economic Crime Index be used to cover telemarketing fraud?

ANSWER: Director Sessions approved a test phase for the Economic Crime Index (ECI) in December 1987, after consultation with Congressman Don Edwards' staff as to concerns raised by Congressman Edwards. The ECI has not been funded to date. Plans are still being developed at this time.

The ECI would certainly be available for use to identify and coordinate multi-jurisdictional investigations by appropriate law enforcement agencies during the approved test phase of the system. This would, of course, include investigations of "telemarketing" and "boiler-room" fraud.

#### QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

# Federal Bureau of Investigation

# Management Productivity Savings

QUESTION: Judge Sessions, this budget request shows a significant savings in the area of "Management Productivity Reductions" (-247 positions and -\$2,095,000). The justification material notes that these savings will come from contracting with private firms to provide records management and fingerprint identification services. How did you arrive at the decision to contract out these services? Has it been thoroughly reviewed? During this budget cycle, were you required to find a certain predetermined amount of management savings? What was the amount that you were required to show as savings? Are you satisfied that the plan to contract out records management and fingerprint identification will not present any security problems? Are there any additional plans to contract out other functions of the Bureau? Would you elaborate?

ANSWER: The FBI is required to conduct reviews of positions under A-76 which have been designated as commercial activities. The FBI has identified approximately 9,000 support positions or 66 percent of its total support staff which fall within the defined

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commercial categories and, therefore, are subject to Circular A-76 review. As set forth in Executive Order 12615, the FBI must review three percent of its total workforce or approximately 700 positions each year until all identified positions have been reviewed. The decision as to specifically which 247 positions will be contracted out was left to the FBI and, after careful deliberation, I have decided that the appropriate areas are within our Records Management and Identification Divisions.

The plan is to contract out the mail and file functions within the Records Management and Identification Divisions. Although outside contact personnel will have direct access to extremely sensitive and classified investigative information, this should not be a problem if sufficient controls are put into place.

The FBI has completed A-76 studies of the Warehouse/Stockhandling activity at FBI Headquarters and the FBI Library at Quantico, Virginia, and is expected to complete a similar study of the Facilities Management activities at both FBI Headquarters and at Quantico in May 1989. A total of 317 positions are involved and it is my judgement that these areas could be subjected to competitive bid by the private sector. In addition, in a recent survey conducted by the FBI in response to a request by the Department of Justice, it was estimated that the FBI presently contracts out approximately \$58 million in personal services contracts to the private sector.

#### FBI Pay Demonstration Project

QUESTION: Last year, in response to requests from the Bureau, the Congress authorised a pay demonstration project for certain FBI personnel in New York City. The project allows for two types of payment, a mobility payment and a retention payment. Of course, the purpose of the project is to meet the serious problems that the Bureau is faced with in trying to get and keep qualified personnel in this very important office (largest FBI office in the country). Are you satisfied with the project to date? Do you think it will be successful in alleviating the problems that the Bureau faces in this area?

ANSWER: The New York Demonstration Project has only been in place a few months. Therefore, it is a bit premature to make any wholesale conclusions about its success. However, based on the informal feedback we are receiving from those New York Office employees covered by the project, the general opinion is that the project is very successful and will help to alleviate the problems faced by the New York Office. The financial difficulties faced by these employees have been alleviated and morale has improved significantly. From an operational perspective, it appears that the resignation rate among those employees

covered by the project is down compared to the same period last year. Also, employees transferred into the New York Office are now able to locate their residences nearer to the office which improves their ability to respond to criminal activity in a more timely fashion. A more comprehensive position on the project will be included in the annual report that will be prepared by the FBI and the Office of Personnel Management.

Those employees not covered by the project were to have their problems addressed through special salary rates. However, although the packages requesting special salary rates for most of these employees have been submitted by the FBI, none have been approved to date.

QUESTION: Are there other areas of the country where the Department is facing similar problems in attracting or retaining people?

ANSWER: The New York Office is not the only office that has been negatively affected by the high cost of living or the fact that Federal pay has not kept pace with the pay of State or local government or private industry. The FBI recently received reports from our offices in Newark, San Francisco, Los Angeles, and Boston which are advising that, to varying degrees, cost-of-living related problems are having a negative impact on their operational responsibilities as well as the morale of their personnel. Similar problems are evident in offices located in other high-cost areas.

Recruitment and retention problems are not unique to the FBI's New York Field Office. The Department currently has approximately 11,000 positions, or 15.7 percent of its workforce, covered by special rates in virtually every major metropolitan area, as well as some remote areas. While special rates have provided some measure of relief, they represent a piece-meal approach for addressing the much larger issue of General Schedule pay rates that are inadequate to compete with private sector, State and local salaries for similar skills. The Department's use of special rates has mushroomed over the past three years. Unless comprehensive reform measures are adopted to address the General Schedule pay system, the Department estimates that the number of its employees covered by special rates will double over the next two to three years.

QUESTION: Will you be considering expanding the demonstration project to other areas? Are you aware of the problems faced by Bureau personnel in the Newark, New Jersey Field Office? Are you monitoring the situation in Newark, and to what extent?

ANSWER: As mentioned previously, there are other offices which are demonstrating problems associated with the high cost of living in the areas where the offices are located.

However, the legislation authorizing the demonstration project limits its application to New York.

The FBI is aware of the problems faced by the Newark Field Office. Further, the U.S. Attorney in Newark is concerned about the possible transfer of Newark FBI Special Agents to New York City. This office, as well as the offices in Los Angeles, San Francisco, Boston and New York, is represented on an FBI Advisory Group that is following the situation in these and other high-cost areas. This group has gathered and will continue to gather information about the morale problems in these offices and the operational problems attendant to the high cost of living. Their findings have been and will continue to be communicated to other Executive Branch agencies and Congress in an effort to obtain the relief necessary to address the problems.

QUESTION: Is the FBI's pay scale adequate? Is there a need for a thorough review of the pay scale of Federal law enforcement personnel?

ANSWER: According to some reports, there is a 25 percent disparity between the pay of Federal employees and those workers in State and local government or private industry. The FBI is responsible for investigating over 250 violations of law and finds the cases on which we work to be extremely complex, often requiring years of effort. We, therefore, seek to employ as agents individuals who, at the minimum, have a college degree and work experience; however, we also need specialists like attorneys, accountants, and linguists. Our requirements are high; the pay is not. New agents earn \$26,261 (\$32,826 when the \$6,565 that agents can earn in administratively uncontrollable overtime is included). Set forth below is a list of various police departments around the country, the salary of beginning officers and detectives (excluding overtime) and the educational requirements for the job:

State	Agency/Position	Seletz	Education Requirements
Alabama	Hoover Police Department/ Officer	\$23,095	High School Diploma
	Hoover Police Department/ Detective	\$25,463	High School Diploma
Arisona	Chandler Police Department/ Officer	\$25,540	High School Diploma
	Chandler Police Department/ Detective	\$32,000	High School Diploma
California	Los Angeles Police Department/ Officer	<b>832,050-</b> <b>\$37,709</b>	High School Diploma (higher salary with college)
	Los Angeles Police Department/ Detective	\$39,818- 846,833	High School Diploma (higher salary with college)

State	Agency/Position	Salary	Education Recuirements
California	Oakland Police Department/	\$31,586	Bigh School Diploma
	Oakland Police Department/ Detective	\$45,036	Bigh School Diploma
Colorado	Denver Police Department/ Officer	\$25,368	High School Diploma
	Denver Police Department/	\$37,248	Bigh School Diploma
Connecticut	Stanford Pelice Department/ Officer	\$30,200	Bigh School Diploma
	Stanford Police Department/ Detective	\$38,166	High School Diploma
Illinois	Chicago Police Department/ Officer	\$26,469	High School Diploma
١	Chicago Police Department/ Detective	\$30,882	High School Diploma
Hass.	Boston Police Department/	\$39,000	High School Diploma
	Officer	\$41,000	Bachelor's Degree
		\$42,000	Law Degree
	Boston Police Department/	\$41,000	High School Diploma
	Detective	\$43,000	Bachelor's Degree
		\$44,000	Law Degree
Minnesota	St. Paul Police Department/	828,193	2-year degree from
	Officer		institution offering
			professional police
		•	officers program
	St. Paul Police Department/	\$37,188	2-year degree from
	Detective		institution offering
			professional police
			officers program (and
			4 years as an officer)
New Jersey	Fort Lee Police Department/ Officer	\$30,376	High School Diploma
	Fort Lee Police Department/ Detective	843,380	Bigh School Diploma
Ohio	Hentor Police Department/ Officer	\$25,488	Sigh School Diploma
	Mentor Police Department/		•
	Detective	\$32,119	Bigh School Diploma
Oregon	Portland Police Bureau/ Officer	\$25,077	2-years of college
	Portland Police Bureau/	\$36,415	2-years of college

State	Agency/Position	Salary	Education Requirements
Penn.	Philadelphia Police Department/8 Deputy/Officer	26,939	High School Diploma
	Philadelphia Police Department/\$ Deputy/Detective	30,273	High School Diploma
Virginia	Arlington County Police Dept./ \$	27,040	2-years of college
	Arlington County Police Dept./ \$	31,283	2-years of college
Washington	Tacoma Police Department/ \$ Officer	30,527	High School Diploma
	Tacoma Police Department/ \$	36,122	High School Diploma

The Department supports the objectives of the National Advisory Commission on Law Enforcement, which was established by the Anti-Drug Abuse Act of 1988. The Commission is tasked with studying the salary and benefits for Federal law enforcement officers. The Department is making every effort to support the work of the Commission and to ensure the views and concerns of all our law enforcement components are considered by the Commission in its study. The Department trusts the Commission's work will result in recommendations for addressing the pay issues confronting our law enforcement components on a comprehensive, integrated and equitable basis.

#### Training at the FBI Academy

QUESTION: Judge Sessions, in 1985 the Drug Enforcement Administration (DEA) relocated its agent training from the Federal Law Enforcement Center in Glynco, Georgia, to the FBI Academy in Quantico, Virginia. Are you able to adequately meet your training requirements? What changes have you had to make at the Academy, or in your training program to accommodate the DEA? Has the co-location of the DEA at Quantico had any impact on the number of State and local law enforcement professionals that the FBI trains?

ANSWER: A combination of factors to include limited lodging facilities, and travel monies, and the relocation of DEA's training program to the FBI Academy in 1985 has greatly affected the FBI's ability to meet internal and General Law Enforcement Training (GLET) training requirements. Since 1983, there has been a 34-percent decline in the number of training courses offered at the FBI Academy for local, county, and State police officers and future year projections reflect a continued declining trend.

An analysis of FBI and GLET training needs through 1995 projects that, on average, a minimum of 90 percent of the FBI Academy space would be required annually to meet FBI training obligations. This projection was based on our

historical commitment to upgrade the professionalism of local law enforcement, but more important to address the continuing developmental needs of our Special Agent workforce. It is estimated that by 1995, 70 percent of the FBI's Special Agent complement will have 11 years or less of experience. Of this amount, 37 percent will average five years or less. These projections do not include any enhancements or overall growth in the FBI special Agent workforce. As such, if the FBI is to replace a substantial portion of its Special Agents in the period of heaviest attrition, a substantial commitment of FBI Academy resources must be available to meet an aggressive hiring plan.

In order to accommodate DEA training, the FBI has increased the number of often costly regional schools and off-site facilities in the Quantico and Northern Virginia area. During the time period of 1985 to 1988, it is estimated that \$1,000,000 was expended for student off-site lodging.

Regarding the impact on the number of State and local law enforcement professionals participating in FBI Academy training, it should be reiterated that, since 1983, there has been a 34-percent decrease in the number of courses available for the local law enforcement community. Compounding this problem is the fact that the Laboratory Division, Forensic Science Research and Training Center, is meeting less than 25 percent of the demand for scientific and technical training, and that due to lodging and budgetary restrictions, has been operating at approximately 50 percent of capacity for the past seven years. Violent crime training assistance has been curtailed. In 1989, the FBI Academy will implement the Center for Financial Investigative Techniques to train local police officials. An analysis of the national survey on State and local law enforcement needs in the United States indicates that the FBI Academy has not provided any specialized training to their primary training priorities.

#### Increase in Resources

QUESTION: This budget proposes increased resources for two programs - Automated Data Processing and Telecommunications and Technical Field Support and Equipment. However, you are proposing reductions to these programs. Isn't it a little unusual to have both increases and decreases in the same program?

ANSWER: The increase of 40 positions and \$13,631,000 for the ADPT program is offset, in part, by a reduction of \$7,000,000 to base funding available for procurement of Field Office Information Management System computer workstations. The proposed reduction is a separate action to stretch out acquisition of these workstations. The increases of 57 positions and \$9,695,000 for the TFS&E program is offset, in part, by a reduction of \$4,342,000

to base funding available for procurement of digital voice privacy radio equipment. The proposed reduction is a separate action to stretch out acquisition of these radios.

#### FY 1989 SUPPLEMENTAL REQUESTS DEPARTMENT OF JUSTICE

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15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.00   15.0	INDICATEON AND MATURAL FLATION SERVICE.	2.3	<u>=</u>	622, 623	:	:	:	18,21	=	122,023
15   15   15   15   15   15   15   15	FEDERAL PRISON SYSTEM:									
1	SALACTES AND CIPCUSES	15,240	ê =	425,426	;	:	:	15,240	13,632	927,426
151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151   151	BATIONAL INSTITUTE OF CORRECTIONS	= ;	= ;	9.5	:	:	:	= ;	= ;	
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14 14 14 14 15 15 15 15 15 15 15 15 15 15 15 15 15	OFFICE OF JUSTICE PROGRAMS:									
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34 347 315,003	SARIEL CUCARS	::	::	90.5		:	(2, 600)	::	::	
334 342 319,075 [2,100]	*** VINCE	3	3	(44,0)3		:	:		Ĩ	210,107
***************************************	TOTAL, OFFICE OF JUSTICE PROGRAMS	**	34.3	\$19,018	:	:	(3,100)	**	ž	310,975
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	1490 REQUEST PERDING	1498 REQUEST PERDING	CAD INC	04084	PROPOSED ARENDREST /2	MENT /2	=	1998 REVIDED REGUEST	169651
APPROPRIATION	Ę	Ē	ANOUR	POS, FIE ANGEL	Ξ	ARGURI	P05. 916 ASOUTH	E	Anous
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BEFELT OF CAPELLOP CENTER!	= =	=======================================	199, 328	:	:	:	8.	=	3:3
WORKING CAPITAL FOND	:	Š		:	: :	:	•	: :	-
C. S. PAROLE CORRESPINA	5	2	10,135	: :	: :	: :	:=	. ≈	10,335
GEBERAL LEGAL ACTIVITIES:									
SOLICITOR GERERAL	=	z	(,418	:	:	:	=	Z	,
TAX OLVISION	=	3	12,010	:	:	:	=	₹	=
CRIMINAL DIVISION	2	ŧ	26,434	:	:	:	1.1	2	35,45
CIVIL OSVISION.	2	2	4,010	:	:	:	5	È	3,0
LABO AND MATURAL RESOURCES DIVISION	Ĭ	ž	37,721	:	:	:	=	ž	27.72
OFFICE OF LEGAL COUNSEL	÷ ;	= ;	2,12	:	:	:	*	~	≅.
CIVIL MISSIS DIVISION	<b>:</b>	3:	25.	:	:	:	3	3	2
	•	•		:	:	:	•	2	
CONTRACTOR COURCES	: =	: =		:	:	:	:=	: :	2
	:	:			:	: :	•	•	
TOTAL, GENERAL LEGAL ACTIVITIES	3,417	3,641	195,289	•	•	-	7,03	÷.	295,289
ANTITRUST DIVISION	ž	ž	17,222	:	÷	:	3	**	0.23
FOREIGH CLAIMS SETTLEMENT COMMISSION	-	^	9	:	:	:	~	^	=
U.S. Allogoffs	6, 105	3	66,279	:	:	:	<b>6</b> , 103	3	£.3
STATE COLLECTION	: 9		99.4	:	:	:		: :	
LIPPORT OF E. S. PRINSBEDS.			70.01	:	:	:	•	•	
fits and expenses of witnesses	: :	: :	26.784	: :	: :	: :	: :	: :	3
COMMUNITY RELATIONS SERVICE	=	92.	29,600	:	:	:	Ξ	2	3.
ORGANIZED CRIME DRUG EMFORCEMENT	:	:	214.921 /1	:	:	:	:	:	21.42
FEDERAL BUREAU OF INVESTIGATION	7,07	23.23	1787,844	:	:	:	21,634	23.429	383.11
DRUG ESFORCEATES ADMINISTRATIOS		ij	<b>26</b> ,12	:	:	3,000	2, 49	Ĭ.,	3.5
PRICRATION AND MATCHALIZATION SERVICE	13,742	11,2	111.139	:	:	:	13, 792	13.283	116.45
COCRAL PRISON STRICK:			30 00 0 00 0				•		:
Manager, capenates of comments	•			:	:	:	•	10, 101, 1, 197, 33	
ACTUAL AND FACTORISE	9	9		:	:	:	= ;	= ;	
FEBERAL PRISON INDUSTRICA	•	3		:	: .	:	•		
CORRISSERY FUED	: :	=	:	:	:	:	:		:
									:
TOTAL, FEDERAL PRISON SYSTEM	17.782	17.910 1	17,910 1,563,498	;	÷	:	13''43	17,410 1,543,998	3
OFFICE OF JUSTICE PROGRAMS: STATE AND LOCAL DRUG GRAMFS	:	:	:	:		148,500	:	;	161.500
ALL OTHER,	310	=	318 96,253	2	=	1,500	**	2	13.753
TOTAL, OFFICE OF JUSTICE PROGRAMS	310	Ξ	16,233	=	=	150,000	326	332 246,293	36,33
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If his stile,511,680 will food 1,416 positions 0 1,716 fit in the drug law enterceased vredelisations in the Desprisable of Justice and Frances, 10 th of S. Cossi Sware. To Eccludes a 190 mendent records of 100 positions, 760 fit and 149,699,128 for the Flancial Institution Franc Took force progress that will be transacted as a solve date.

Page Number

### DEPARTMENT OF JUSTICE

### Salaries and expenses, general legal activities Legal Activities

# Supplemental Datimate, Fiscal Year 1989

#### Table of Contents

Itam
Appropriation Language Sheet and Authorization Requirements
Summary of Requirements
Justification of Requirements
Financial Analysis.
Program and Financing Schedule
Schedule of Object Classification
Petraorinel Sumary
Detail of Permanent Positions Schedule

#### DEPARTMENT OF JUSTICE

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#### Legal Activities

# Salaries and expenses, General Legal Activities

For an additional amount for "Salaries and expenses, General Legal Activities", \$3,416,000, to remain available until expended

### Explanation of Request

The supplemental request will provide \$2,100,000 and 25 positions to the Civil Rights Division for implementation of Title I of the Civil Liberties Act of 1988, and a total of \$1,316,000 to support additional attorneys and support positions in the Criminal and Tax Divisions as part of the Administration's Financial Institution Fraud Initiative. Specifically, \$276,000 for the Tax Division will fund ten positions (including six attorneys) and \$1,040,000 for the Criminal Division will fund forty positions (including twenty-four attorneys).

### Authorization Requirements

Public Law 96-132, the Department of Justice Appropriation Authorization Act for 1980, was the last enacted authorization legislation for the Department. This Act, including funding authority for the Department's activities, has been extended for 1989 by the Department of Justice Appropriations Act, 1989 contained in P.L. 100 signed October 1, 1988. Additional authorization of \$1,116,000 related to the Financial Institution Fraud Initiative is required by this request. This authorization is contained in Senate Bill S-413, The Financial Institutions Reform, Recovery and Enforcement Act of 1989.

### DEPARTMENT OF JUSTICE

#### Lecel Activities

# Salaries and expenses. General Lecel Activities

#### Surmary of Requirements (Dollars in thousands)

	1989 I	1989 Presently Available	_	1989 Revised Estimates	evised See		1989 Pa	1989 Proposed Saxolemental	
Comparison by Activity	Perm. Pos.	対	Amount	Perm. Pos.	Ä	Amount	Petra. Rost. HX	蓋	Amount
1. Conduct of Supreme Court proceedings and review of arrest late meteors	40	2	181	9	2	181	١	l	I
2. General tax matters	621	. E	37,543	631	<u>8</u>	37,819	9	n	\$276
_	769	89	52,830	808	694	53,870	<b>4</b>	2	1,040
4. Claims, customs, and general civil matters	881	864	84,400	881	864	84,400	1	I	I
5. Land, natural resources, and Indian matters	349	340	26,456	349	340	26,456	1	1	l
Š	32	39	2,590	35	39	2,590	1	1	1
CKIT	9	381	25,656	425	394	27,756	52	2	2,100
8. INTERPOL-USINCE	20	2	4,348	2	2	4,348	1	l	1
-	1	1	4,726	I	I	4,726	1	I	I
discrimination	ন	52	2.064	위	2	77077	11		
Total	3,204	3,038	244,794	3,279	3,064	3,064 248,210	32	56	3,416

DEPARTMENT OF JUSTICE

#### Lecal Activities

# Salaries and expenses, General Legal Activities

### Justification of Requirements

	1989 Pr Availab	esently le		1990 Re Estimat	vised		1990 Pr	oposed	
Comparison by Activity	Perm. Pos. MY /	翼	MY Amount	Perm. Pos. MX	氢	HX Amount:	Perm. Exe. HX	Ä	Amount
ITEM: Financial Institutions Fraud									
General tax matters: Criminal tax prosecution	110	102	102 \$6,475	120	105	\$6,751	10	6	\$276
Criminal matters: Fraud	88	28	5,827 5,085	8118	73	6,774 5,178	8 7	۵4	947
Total requirements	273	248	17,387	323	261	18,703	8	13	1,316

This request provides resources required in the Tax and Criminal Divisions for support of Financial Institution Fraud Task Forces. The Department's plan envisions the creation of strike forces in regions of the country where financial institution failures are widespread. The success of a year-old model task forces effort makes it clear that bringing together investigative and prosecutive resources penalts a focusing of effort that produces results. Ourrently, more than 12 attorneys from the Criminal Division's Fraud Section, four Assistant United States Attorneys, 25 Federal Bureau of Investigation agents and 16 Internal Revenue Service investigators constitute what has become known as the Dallas Bank Fraud Task Force. The Task Force has brought investigators constitute what has become known as the Dallas Bank Fraud Task Force and only one acquittal. Three defendants are on trial and six are avaiting trial. Of the thelve defendants sentenced, eight received imprisonment and four were placed on probation. Imprisonment generally ranged from six months to one year, but one defendant received 35 years imprisonment. Fines totaling \$133,250 have been imposed and restitution

totaling \$2,791,500 has been ordered, of which \$591,500 was directed to the Pederal Savings and Loan Insurance Ourporation.

The increase in attornsys and support staff in the Tax and Criminal Divisions will enhance the Department's ability to provide a nucleus of experienced prosecutors for task forces and augment the resources of those United States Attornsys' offices that may not require a substantial increase in their own resources to cope with a regional crisis, but may from time to time need assistance in investigating and prosecuting such cases. The resources requested will fund six Tax Division attornsys and four support staff, and 24 Criminal Division attornsys and 16 support staff for the last quarter of 1989, and provide for start-up costs in these two Divisions.

	1989 Presently Available	esently le		1990 Revised Estimate	/lsed		1990 P	1990 Proposed Smolemental	
Comparison by Activity	Perm.	Ħ	Anount	Peri	Ä	Amount	Perm.	虽	Amount
ITEM: Civil Liberties Act of 1988									
Civil rights matters: Executive direction									
Control and support	<b>3</b>	8	\$3,851	2, 25	82	\$3,851 2,100	1 %	13	\$2,100
Total requirements	ž	8	3,851	92	17	5,951	52	ដ	2,100

The Civil Rights Division requests 25 positions, 13 workyears and \$2,100,000 to meet its responsibilities under the Civil Liberties Act of 1988. This legislation admondedyes, applopizes and provides for restitution to U.S. Citizens and permanent resident aliens of Japanese ancestry and Aleut residents of the Aleutian Islands and Pribilof Islands who were interned or suffered injustices and unreasonable hardships during World War II.

The legislation charges the Department with responsibility for the pardon and restitution provisions affecting those eligible individuals of Japanese amoestry. The Attorney General placed responsibility for the restitution provisions of this legislation with the Civil Rights Division.

This supplemental request will provide the civil Rights Division with adequate resources to establish the Office of Redress Administration, to develop and publish implementing regulations governing aligibility and the administration operation of the redress program, to begin efforts to identify potential eligibles through the use of historical records of the U.S. Government activities adming the interment, and initiate a public awareness campaign to encourage potential eligibles to come forward.

DEPARTMENT OF JUSTICE Legal Activites Salaxies and expanses, General Legal Activities

Pinemeis! Amelysis (Dollers in thousands)

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			9	Con. Ton Mattors	-	Criminal Matters	Hattere		CIVIL RI	CIVIL Rights Hottors
	=	1989 Proposed	5	Criminal			Xen	Management		
Grade and oblect class	ang.	ternandani	1 101	Tax Prosecution	1	Presd	4	and Admin.	Redress Ad	Redress Administration
	102	AMOUNT.	1	Ameunt	1	AMBUDE	3	AMOUNT	782	Amenat
08/CH-15	::	8628	:	:	-	8457	:	:	•	11.18
G\$/GM-14	7.5	384	-	618	-	384	~	497	-	;
08/0M-13,	=	452	~	93	•	329	:	:	-	7
08-12	•	203	~	69	:	:	:	:	•	138
08-11	=	374	-	53	~	•	:	:	2	289
	•	144	~	;	~	;	:	:	~	;
	2	233	:	:	9	**	:	:	7	2
	-	•	-	11	:	:	:	:	:	:
	-	:	-	91	:	:	:	:	~	11
fotal positions and					-					
ennuel rete	2	2,688	91	310	=	1,475	~	•	23	908
Lapse(-)	?	-1,794	•	-233	?	-1,104	7	÷	-13	-387
fetal verkyeers and					-					
personal compensation	*	ĭ	-	٠,	•	369		53	=	*:
Personnel benefitte		190		12		:		•		103
fravel and transportation										
of persons		160		11		10		•		:
fransportation of things		•		~		•		:		:
08A cent		363		;		:		:		787
Comm., utilities, and										
wise. charges		285		58		:		~		317
Printing		•		•		•		-		2
Other services		*24		33		7		ĩ		:
Supplies		119		•		9		-		36
Equipment		174		\$		222		=		2
Total vorkyears and	:			71.6		1	-	:	:	2.100
CONTRACTOR TANA	;		•	9/7			•	2		

DEPARTMENT OF JUSTICE

Legal Activities

Salaries and Expenses, General Legal Activities

Program and Financing (in thousands of dollars)

Program and Financing	(in thousand	is of dollars	)
15-0128-1-1-752	1989 Presently Available	1989 Revised Estimate	1989 Proposed Supplemental
Direct program			
1. Conduct of Supreme Court	l	<u> </u>	
proceedings	4,181	4,181	
2. General tax matters	37,543	37,819	276
3. Criminal matters	52,830	53,870	1,040
4. Claims, customs, and	i i		
general civil matters	84,400	84,400	• • •
5. Land, natural resources,		[	1
and Indian matters	26,456	26,456	•••
6. Legal opinions	2,590	2,590	- :::
7. Civil rights matters	25,656	27,756	2,100
8. Interpol	4,348	4,348	• • • •
9. Independent counsel		•••	•••
10. Legal activities office			
automation	4,726	4,726	• • • •
11. Special counsel for	2 254	2 264	[
discrimination	2,064	2,064	
Total direct program	244,794	248,210	3,416
Reimbursable program	30,618	30,618	3,410
Keimpdiagnie brodram	30,018	30,010	
10.00 Total obligations	275,412	278,828	3,416
Financing:			•
Offsetting collections from:			İ
11.00 Federal funds	-30,618	-30,618	•••
21.40 Unobligated balance,			
start of year	-2,817	-2,817	• • • •
24.40 Unobligated balence, end			
of year	2,817	2,817	
10.00 Budget authority			
(appropriation)	244,794	248,210	3,416
Relation of obligations			
to outlays:		'	
71.00 Obligations incurred, net.	244,794	248,210	3,416
72.40 Obligated balance, start			
of year	12,990	12,990	
74.40 Obligated balance, end	, , , , ,	,	į.
of year	-31,061	-31,541	-480
90.00 Outlays	226,723	229,695	2,972

STANDARD FORM 300 July 180, During of the Design Chronic 164, 4-11, Bernard.

#### DEPARTMENT OF JUSTICE Legal Activities Salaries and Expenses, General Legal Activities Object Classification (in thousands of dollars)

15-0128-1-1-752	1989 Presently	1989 Revised	1989 Proposed
	Available	Estimate	Supplemental
Personnel compensation:			
11.1 Full-time permanent	. 117,440	118,334	894
11.3 Other than full-time	1		ł
permanent	3,865	3,865	
11.5 Other personnel			
compensation	. 1,331	1,331	•••
11.8 Special personal	1	1	
services payments	. 1,326	1,326	
11.9 Total personnel		124,856	894
compensation	. 123,962	124,050	0,74
12.1 Civilian personnel	00 501	20,691	190
benefits	. 20,501	20,051	
13.0 Benefits for former	72	72	1
personnel	9	'-	
21.0 Travel and transportation		9,373	169
of persons		1,133	8
22.0 Transportation of things		28,434	363
23.1 Rental payments to GSA 23.3 Communications, utilities		20,111	
and misc. charges	18,884	19,169	285
24.0 Printing and reproduc-	1,		i
tion	1,953	1,993	40
25.0 Other services		34,331	974
26.0 Supplies and materials.		2,330	119
31.0 Equipment	4,574	4,948	374
41.0 Grants	860	860	•••
42.0 Insurance claims and	Ť.		
indemnities	20	20	***
·		<b> </b>	
99.0 Direct obligations	244,794	248,210	3,416
99.0 Reimbursable obligation	30,618	30,618	•••
99.9 Total obligations	275,412	278,828	3,416

STANDARD FORM 300

#### DEPARTMENT OF JUSTICE Legal Activities Salaries and Expenses, General Legal Activities Personnel Summary

15-0128-1-1-752	1989 Presently Available	1989 Revised Estimates	1989 Proposed Supplemental
Direct:			
Total number of full-time permanent positions	3,229	3,304	75
Total compensable workyears: Full-time equivalent employment	3,051	3,077	26
Full-time equivalent of	•		26
overtime and holiday hours.	40	40	
Average ES Salary	\$74,976	\$74,976	
Average GS/GM Salary grade	11.00	11.01	11.56
Average GS/GM Salary	\$40,666	\$40,691	\$37,640
Reimbursable:			
Total number of permanent positions Total compensable workyears, full-time equivalent	218	218	•
employment	218	210	
Average GS/GM grade	11.00	11.00	
Average GS/GM salary	\$40,666	\$40,666	

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STANDARD FORM 306 July 1968, Bureau of the Budge Circular No. A-11, Revised.

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#### DEPARTMENT OF JUSTICE Legal Activities Salaries and Expenses, General Legal Activities

#### DETAIL OF PERMANENT POSITIONS

15-0128-1-1-752	1989	1989	1989
	Presently	Revised	Proposed
	Available	Estimate	Supplemental
Executive Level III	2	2	
Executive Level IV	6	6	
Subtotal	8	8	•••
ES-6	2	2	
ES-5	5	5	• • •
ES-4	91	91	
ES-3	6	6	•••
ES-2	10	10	
ES-1	6	6	
Subtotal	120	120	•••
GS/GM-15	748	759	11
GS/GM-14	387	399	12
GS/GM-13	350	361	11
GS-12	204	210	6
GS-11	223	236	13
GS-10	9	9	• • •
GS-9	164	170	6
GS-8	143	. 143	• • • •
GS-7	439	451	12
GS-6	205	206	1
GS-5	129	132	3
GS-4	64	64	•••
GS-3	32	32	•••
GS-2			
Subtotal	3,101	3,176	75
Total permanent positions	3,229	3,304	75
Unfilled positions, end			
of year	-205	-205	•••
Total permanent employment,		ľ	
end of vear	3,024	3,099	75

Page Number

#### Appropriation Language Sheet and Authorization Requirements..... Financial Analysis...... Program and Financing Schedule....... Justification of Requirements........... Summary of Requirements...... Supplemental Estimate, Fiscal Year 1989 United States Attorneys Salaries and Expenses Table of Contents

Item

Detail of Permanent Positions.....

Personnel Summary.....

Schedule of Object Classification.....

DEPARTMENT OF JUSTICE

### DEPARTMENT OF JUSTICE

### United States Attorneys

### Salaries and Expenses

For an additional amount of "Salaries and expenses, United States Attorneys," \$12,476,000 to_remain_available_until_expended.

### Explanation of Request

Supplemental funding would provide funds for the United States Attorneys to prosecute financial institution fraud and for litigation support services to acquire, index and store financial records in automated data bases for subsequent retrieval and analysis.

## Authorization Requirements

The most recent authorization for this appropriation is the Department of Justice Appropriations Authorization Act, Fiscal Year 1980 (P.L. 96-132) as extended by the Department of Justice Appropriation Act, 1989. This authorization is contained in Senate Bill S.413, The Financial Institutions Reform, Recovery and Enforcement Act of 1989.

United States Attorneys
Salaries and Expenses

Comparison by Activity	Availal	1989 Presently Available	_	1989 Revised Estimates	3V18ed :es		1989 Proposed Supplemental	opos	<b>v</b>	
Charleston. Trainer by the Street Street Street Street Street Street Street Street Street Street Street Street	Perm.			Perm.			Perm.			
	Pos.	돷	WY Amount	Pos.	ž	Amoun	Pos.		WY Amount	
United States Attorneys	6,730	6,445	6,730 6,445 \$460,212	986 '9	\$ 805'9	6,986 6,508 \$472,688	256	63	\$12,476	

### United States Attorneys

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### Salaries and Expenses

# Justification of Requirements (Dollars in Thousands)

•						used clai
pe 1	Amount		\$12,476	12,476		dears and bave about the perpet personal forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman forman for
1989 Proposed Supplemental	¥		6 :1	63		ons who nded me t insui t insui middle s total s total s of fic o theil ecutior
1989 Supp1	Perm. Pos.		256	256		trituti 17 wou 19 wou 19 wou Deposi and the countin countin sountin sountin sountin the pros
	Amount		3,775 \$282,939 2,733 189,749	6,508 472,688		al auditconcial insass mortal insass mortal insured in 1985 a mm these for savere sovere is savings ors deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposit deposi
1989 Revised Estimates	XM		3,775			financi fraud h y. The s betwe ses fro ally m ally m invest invest oke. E
1989 Revis Estimates	Perm. Pos.	٧	4,196	986'9		ort, 20 e nation This naclyenc 100 bank ated bank xponenti illion. rcent of o divert ns go br
	Amount		3,712 \$270,463 2,733 189,749	6,445 460,212		118 supp als of the activity activity for action for action the estim stry is e ch \$100 be of 80 pe of 80 pe of 80 pe of 80 pe of 80 pe of 80 pe of 80 pe of 80 pe of 80 pe
1989 Presently Available	· XI		3,712	6,445		orneys, offici offici udulent o the b lures o buse, an indu to rea collapse complex their t
1989 Prese Available	Perm.		3,940	6,730		(118 att prosecute ng in fra ng in fra ng in fra jes and Lo ges and Lo set imated in the c devise devise es while
		Activity: U.S. Attorneys	Criminal Litigation	Total	Financial Institution Fraud	An increase of 256 positions (118 attorneys, 118 support, 20 financial auditors), 63 workyears and \$12,476,000 is requested to prosecute officials of the nation's financial institutions who have abused the public's trust by engaging in fraudulent activity. This fraud has mortally wounded many financial institutions and has brought others to the brink of insolvency. The Pederal Deposit Insurance Corporation (PDIC) estimates that failures of nearly 100 banks between 1985 and the middle of 1987 showed evidence of fraud or insider abuse. The estimated losses from these failures total \$676 million. Fraud played a key role and Loan industry is exponentially more severe. Losses in this industry are conservatively estimated to reach \$100 billion. The General Accounting Office estimates trators of the fraud usually devise complex schemes to divert investors' deposits to their personal use, thus enriching themselves while their institutions go broke. Expeditious prosecution of such misappropriated deposits.

The resources requested will permit the U.S. Attorneys to expand participation in multi-agency task forces as well as create new task forces where they do not presently exist. These task forces will include PBI agents, IRS agents, Assistant U.S. Attorneys, financial auditors from the U.S. Attorney offices, and Rederal Home Loan Bank Board attorneys. The exact composition of each task force will

2.700 000

vary in accordance with problems identified at the individual district level.

In the Northern District of Texas, a financial institution fraud task force has been operational for over one year. As of February 1989, charges had been brought against thirty-three individuals. Twenty defendants were convicted with just one acquitell. Fines totaling \$133,250 were imposed and restitution totaling \$2,791,500 was ordered. Generally, imprisonment ranged from six months to one year, but one defendant received imprisonment of thirty-five years. Similar results can be expected when resources devoted to such efforts are increased nationwide.

Generally, insider fraud cases are difficult to prove and require an exhaustive review of documents. For one case, 60 file drawers were necessary to store the records that detailed a labyrinth of shell companies and straw borrowers that were set up to disguise the fraud. A total of \$4,500,000 of this request will be used for litigative support services to acquire, index and store such documents in automated data bases for subsequent retrieval and analysis.

United States Attorneys

Salaries and Expenses

Financial Analysis

	1989	7
,	Supplemental	eu nental
Item	Pos.	Amount
Grades GS/GM-13	v	\$ 247
GS-12	14	485
GS-7	118	2,300
Ungraded,	118	5,935
Total positions and annual rates	256	8,967
Lapse	-193	-6,725
Full-time permanent workyears and related compensation	63	2,242
Personnel benefits	:	420
Travel and transportation of persons	:	434
Transportation of things	:	89
Communications, utilities, and other rents.	::	284
Printing	:	168
Other services	:	7,038
Supplies and materials	:	193
Equipment		844
Total Workyears and obligations, 1989	ço	12,4/0

STANDARD FORM 300 Styling During of the Distant Committee No. 3-11, British

#### DEPARTMENT OF JUSTICE UNITED STATES ATTORNEYS SALARIES AND EXPENSES

#### Program and Financing (in thousands of dollars)

15-0322-1-1-752	1989 Presently Available	1989 Revised Estimate	1989 Proposed Supplemental
Program by activities:			
Direct Program: U.S. Attorneys	460,212	472,688	12,476
Reimbursable program	5,824	5,824	
10.00 Total program costs, funded obligations	466,036	478,512	12,476
Financing:			
Offsetting collections from:	· .		•
11.00 Federal funds	-5,824	-5,824	
39.00 Budget authority	160,212	472,688	12,476
40.00 Appropriation (general fund)	130,212	442,688	12,476
40.00 Appropriation (special fund)	30,000	30,000	
Relation of obligations to outla	ays:		
71.00 Obligations incurred, net	160,212	472,688	12,476
start of year	58,588	58,588	
74.40 Obligated balance, end of year	-68,862	-70,359	-1,497
90.00 Outlays	149,938	460,917	10,979

STANDARD PORM 304 May 1960, Bureau of the Budge Carcular No. A-11, Revised 300-103

DLCARTMENT OF JUSTICE UNITED STATES ATTORNEYS SALARIES AND EXPENSES

#### OBJECT CLASSIFICATION (in thousands of dollars)

,			
Identification code   15-0322-, 1-1-752	1989 Pres. Avail.	1989 Rev. Est.	1989
	ries. Avaii.	TARY. ESL.	Prop. Supp.
Direct Obligations: Personnel compensation:			1
11.1 Permanent positions	253,823	256,065	2,242
Other than full-time			
permanent	9,919	9,919	• • • • • • • • • • • • • • • • • • • •
11.5 Other personnel compensation	1,947	1,947	
11.8 Special personal services payments	2,340	2,340	
Total personnel compensation	268,029	270,271	2,242
Personnel benefits:			
12.1 Civilian	45,635	45,055	420
100 B. 4. 4. 4			
13.0 Benefits for former personnel	122	122	••••
21.0 Travel and transportation of persons	9,691	10,125	434
22.0 Transportation of things 23.1 Rental payments to GSA	2,232	2,300	68
23.2 Rental payments to others		41,595	785
23.3 Communications, utilities and	180	180	
miscellaneous charges	25,018	25,302	284
24.0 Printing and reproduction		2,614	168
25.0 Other services	44,553	51,591	7,038
26.0 Supplies and materials	3,890	4,083	193
31.0 Equipment	17,606	18,450	844
41.0 Grants, subsidies and			
contributions			
		-	
	<b>[</b>		
			1
	j		
1	ļ		1 .
Total direct obligations	460,212	472,688	12,476
			1.,
Reimbursable obligations	5,824	5,824	
		•	
99.0 Total obligations	466,036	/30 /1/	12,476
	900,000	478,512	12,470

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#### UNITED STATES ATTORNEYS SALARIES AND EXPENSES

#### PERSONNEL SUMMARY

15-0322- <u>1</u> -1-752	1989 Presently	1989 Revised	1989 Proposed
•	Available	<u>Estimate</u>	Supplemental
Direct:		1	ļ
Total number of full-time permanent positions	6,730	6,986	256
Total Compensable workyears: Full-time equivalent employment	6,445	6,508	63
Full-time equivalent of over- time and holiday hours	35	35	
Average ES salary	\$75,750	\$75,750	•••
Average GS/GM grade	6.92	6.95	7.77
Average GS/GM salary	\$21,811	\$21,817	\$21,971
Average salary of ungraded positions	\$61,630	\$61,217	\$50,297

STANDARD FORM 306 July 1962, Bureau of the Budget Circular No. A-11, Revised.

#### DEPARTMENT OF JUSTICE UNITED STATES ATTORNEYS SALARIES AND EXPENSES

#### DETAIL OF PERMANENT POSITIONS

	Presently		1989 Proposed Supplemental
Executive Level V	11	1	<u> </u>
Subtotal	11	1	<u> </u>
ES-4	3	3	
ES-3	1	1	
ES-2	111	1	<u> </u>
Subtotal	5	5	<u> </u>
GS/GM-15	21	21	
GS/GM-14	29	29	
GS/GM-13	74	80	6.
GS-12	95	109	. 14
GS-11	191	191	
GS-10	16	16	
GS-9	281	281	
GS-8	240	240	
GS-7	969	1,087	118
GS-6	555	555	
GS-5	809	809	
GS-4	262	262	
GS-3	56	56	
GS-2	4	4	
Subtotal	3,602	3,740	138
Ungraded	3,122	3,240	118
Total permanent positions	6,730	6,986	256
Unfilled positions, end of year	-330	-330	
Total permanent employment, end of year	6,400	6,656	256

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### DEPARTMENT OF JUSTICE

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# Federal Bureau of Investigation

### Salaries and expenses

# Supplemental Estimate, Fiscal Year 1989

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Program and Financing Schedule
Schedule of Object Classification
Personnel Summary
Detail of Permanent Positions

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### DEPARTMENT OF JUSTICE

# Federal Bureau of Investigation

### Salaries and expenses

For an additional amount for "Salaries and expenses", \$23,010,000 to remain available until expended.

### Explanation of Request

Supplemental funding would provide additional resources totaling 236 agent and 118 support positions and \$23,010,000 in associated funding to address the FBI's investigative requirements for the Financial Institution Fraud initiative.

## Authorization Requirements

The most recant authorization for this appropriation is the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (P.L. 96-132), as extended by the Department of Justice Appropriation Act, 1989 (P.L. 100-459). Authorization for this initiative is proposed in the Pending legislation entitled the "Financial Institutions Reform, Recovery, and Enforcement Act of 1989."

Federal Bureau of Investigation.

Balaries and expenses

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Comparison by Activity	Por.	Post. MX An	Amount	Pera.	Pern. Post. MX	MX Assunt	Porm.	X	Amount
1. Criminal, Security, and Other Investigations			•		•				.•
Other Field Programs	8,840	8,637	573,860	8,840	6,637	573,860	:	:	•
Drawer Crime		1,587	101,530	1,657	1,587	101,530	:	:	:
White-Collar Crime 3,046 2,954 195,538	3,046	2,954	195,573	2 6 2 6 4 6 6 6	3,042	3,400 3,042 218,548		: 8	23.010
Subtotal	15,547	15,045	\$1,000,201	18,901	16,133	\$1,023,211	354	88	\$23,010
2. Investigative Support 2,523 2,445 257,496 2,523 2,445	2,523	2,445	257,496	2,523	2,445	257,496	:	<b>:</b>	:
3. State and Local Assistance 2,969 2,965	2,969	2,965	122,103 2,969 2,965	2,969	2,965	122,103	:	:	:
4. Program Direction1.382 1.346 59,300 1.382 1.346 59,300	1,382	1,346	59,300	1,382	3.346	59,300	398	99	*
Total Requirements22,421 21,801 1,439,100 22,775 21,889 1,462,110 354	22,421	11,801	1,439,100	22,775	11,889	1,462,110	354	88	23,010

# Federal Bureau of Investigation

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### Salaries and expenses

## Justification of Requirements (Dollars in thousands)

1989 Proposed Supplemental	Perm. Pos. MY Amount 354. 88 \$23,010	An increase of 354 positions (including 236 agents), 88 workyears, and \$23,010,000 is being requested for the FBI's participation in the Financial Institution Fraud initiative. The additional resources for the white-collar crime program would enable the FBI to initiate investigations on high priority financial institution failure/fraud and embezzlement casses. At present, there is no indication that the upward trend in financial institution failure/fraud and embezzlement matters would abate. In 1988 alone, estimated losses in cases involving financial institution failure/fraud and embezzlement totalled over \$2 billion according to the Criminal Investigative Division. As of September 30, 1988, there were 7,385 pending financial institution failure/fraud and embezzlement cases being investigated by the Task Force would be modeled after the highly successful operation Thrifton, launched by the TBI in August 1987 and known as the Dallas Bank Fraud Task Force, which has obtained 20 growth in the FBI's financial institution in excess of \$2.9 million. The recent and projected growth in the FBI's financial institution failure/fraud and embezzlement caseload, the existing unaddressed workload, and the time consuming, and personnel intensive nature of these investigations necessitate further resource allocations to this investigative area. Funs, 534 positions (88 workyears) and \$23,010,000 are required to fund the FBI's financial Institution Fraud Task Force.
ised	Perm.  Pos. WX Amount 3,400 3,042 \$218,548	An increase of 354 positions (including 236 agents), 88 workyears, and \$23,010,00 requested for the FBI's participation in the Financial Institution Fraud initiatiadditional resources for the Wilte-Collar Crime program would enable the FBI to investigations on high priority financial institution failure/fraud and embezzlement matters would abate. In 1988 alone, estimated losses in cinvolving financial institution failure/fraud and embezzlement totalled over \$2 benching financial institution failure/fraud and embezzlement totalled over \$2 benching financial institution failure/fraud and embezzlement cases being investigative Division. As of September 30, 1988, there FBI, of which 3,446 involved losses of more than \$100,000. The Financial Institution failure/fraud and embezzlement cases being investigation of the FBI of which 3,446 involved losses of more than \$100,000. The Financial Institution FBI, of which 3,446 involved losses of more than \$100,000. The Financial Institution in excess of \$2.9 million. The recent and growth in the FBI's financial institution failure/fraud and embezzlement caseload existing unaddressed workload, and the time consuming, and personnel intensive nathese investigations necessitate further resource allocations to this investigation funs, 354 positions (88 workyears) and \$23,010,000 are required to fund the FBI's participation in the Financial Institution Fraud Task Force.
1989 Revised Estimate	3,042	workyee Institut would en would en would en in in the intervence of the work would be would be worken work work work work work work work work
	Perm. Pos. 3,400	anotial) 88 uprogram uprogram uprogram ind trent 1988 alc abotial abotial cembezzle constrain fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te fraud Te
ntly	Amount \$195,538	An increase of 354 positions (including 236 agents), 88 work requested for the FBI's participation in the Financial Instituditional resources for the White-Collar Crime program would investigations on high priority financial institution failur fraud and embezzlement matters would bake. In 1988 alone, involving financial institution failure/fraud and embezzlement matters would bake. In 1988 alone, phoding financial institution failure/fraud and embezzlement feBI, of which 3.446 involved losses of more than \$100,000. Task Force would be modeled after the highly successful oper FBI, of which 3.446 involved losses of more than \$100,000. Task Force would be modeled after the highly successful oper FBI, of miles and restitution in excess of \$2.9 mill exprevth in the FBI's financial institution failure/fraud and existing unaddressed workload, and the time consuming, and pthese investigations necessitate further resource allocation funs, 354 positions (88 workyears) and \$23,010,000 are requiparticipation in the Financial Institution Fraud Task Force.
1989 Presently Available	WX 2,954	includin hite-con hite-con tion that would all would all mailure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/ failure/
	Perm. Pos. 3,046	itions ( s partic or the W priorit w o indica matters stitution nal Inve nal Inve nal and the con constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on constant on cons
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/ Federal Bureau of Investigation Salaries and expenses Financial Analysis (Dollars in thousands)

1989 Supp	1989 Proposed Supplemental	
Perm. Item Pos.		Amount
Grades		
GS-11 236		\$7,110
GS- 5118		1,903
Total positions and annual rates 354		9,013
Lapse		-6,854
rull-time permanent Workyears and related compensation	,	2,159
Workyears and related compensation 101	8	531
Personnel benefits		,767
Travel and transportation of persons	7	2
Transportation of things	1,1	338
GSA rent.	י'נ	048
Printing and reproduction	•	252
Supplies and materials	4	4,8/4 521
Equipment	7,8	822
Total workyears and obligations, 1989 101	23,010	010

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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Salaries and expenses,

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Program and Financing (in thousand of dollars)					
Identification code 15-0200-1-1-751	x XXX	¥¥¥x.	žžž _a x		
	1989 Presently available	1989 Revised estimate	1989 Proposed supplemental		
Program by activities: Direct program: 1. Criminal, security, and					
other investigations	1,024,747	1,047,484	23,010		
2. Investigative support	263,242	263,242			
3. State and local assistance	122,103	122,103			
4. Program direction	59.300	59,300			
Total direct program	1,469,119	1,492,129	23,010		
Reimbursable program	106,046	106,046	•••		
10.00 Total obligations	1,575,165	1,598,175	23,010		
Financing: Offsetting collection from:					
11.00 Federal funds	-83,756 -22,290	-83,576 -22,290	•••		
start of year	-40,919	-40,919	••• ,		
end of year	10.900	10,900			
39.00 Budget authority	1,439,100	1,462,110	23,010		
Relation of obligations to outlays: 71.00 Obligations incurred, net. 72.40 Obligated balance,	1,469,119	1,492,129	23,010		
start of year	348,450	348,450	•••		
end of year	-354,794	-359.396	-4.602		
90.00 Outlays	1,462,775	1,481,183	18,408		

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STANDARD FORM 30(Bupplemental now requested, existing legislation lip to the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the business of the b

### DEPARMENT OF JUSTICE Federal Bureau of Investigation Salaries and expenses OBJECT CLASSIFICATION (in thousands of dollars)

Identification code 15-0200-1-1-751	19 89 ****	1,89 XXX	19 89
	1989 Presently availabe	1989 Revised estimate	1989 Proposed supplement
Direct Obligations:	1		
Personnel compensation:			
11.1 Permanent positions 11.3 Positions other than	701,593	703,752	2,159
permanent	396	396	
11.5 Other personnel compensation.	79,839	80,211	372
Total personnel compensation.	781.828	784,359	2.531
Personnel benefits:		,	i
12.0 Civilian	101 266	105 022	2 767
13.0 Benefits for former	191,266	195,033	3,767
personnel	361	361	ļ
21.0 Travel and transportation of	301	361	•••
persons	38,565	39,669	1,104
22.0 Transportation of things	10,247	11,565	
23.1 GSA rent	92,939	93,987	1,318
23.2 Rental payments to others	7,813	7,813	1,048
23.3 Communications, utilities,	7,013	//013	• • • • • • • • • • • • • • • • • • • •
and other rent	64,441	64,441	
24.0 Printing and reproduction	2,441	2,466	25
25.0 Other services	126.971	131,845	4.874
26.0 Supplies and materials	44,499	45,020	521
31.0 Equipment	106,254	114,076	7,822
32.0 Lands and structures	614	614	7,022
42.0 Insurance claims and	V	V.4	•••
indemnities	810	810	
90.0 Unvouchered	70	70	
Total direct obligations		1,492,129	23,010
Reimbursable obligations	106.046	106,046	1
99.0 Total obligations	1.575.165	1.598.175	23 010

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(Int) 100, Burnes of the Bodent Supplemental now requested, existing legislation DEPARTMENT OF JUSTICE Federal Bureau of Investigation.
Salaries and expenses
PERSONNEL SUMMARY

	RSONNEL SUMM	AKI	
Identification code 15-0200-1-1-751	1989 astual	19 89 estimate	19 89 estimate
	Presently available	Revised estimate	Proposed supplemental
Direct: Total number of full-time permanent positions	22,421	22,775	354
Total compensable workyears: Full-time equivalent employment	21,801	21,889	88
overtime and holiday hours	2,590	2,603	13
Average ES salary	.\$80,300	\$80,300	
Average GS/GM grade	9.03	9.03	9.00
Average GS/GH salary	\$27,814	\$27,763	\$24,481
Reimbursable:		'	
Total number of full-time permanent positions	1,839	1,839	•••
Total compensable workyears: Full-time equivalent employment	1,107	1,107	

STANDARD FORM 306 July 1968, Bureau of the Budget Circular No. A-11, Revised.

### DEPARTMENT OF JUSTICE Federal Bureau of Investigation Salaries and expenses

### DETAIL OF PERMANENT POSITIONS

	19 actual	19 estimate	19 estimate
·	1989 Presently available	1989 Revised estimate	1989 Proposed supplemental
Executive level II	1 1 -2 4	1 1 2 4	***
GS-18GS-17Subtotal	20 _43 63	20 _43 _63	••• ••• •••
GS/GM-16. GS/GM-15. GS/GM-14. GS/GM-13.	94 308 1,231 5,734	94 308 1,231	•••
GS-12	1,304 1,438 894	5,734 1,304 1,674 894	236
GS-9. GS-8. GS-7. GS-6.	1,211 400 1,752 1,925	1,211 400 1,752 1,925	•••
GS-5. GS-4. GS-3. Subtotal.	3,305 1,680 612 21,888	3,423 1,680 <u>612</u> 22,242	118  354
Ungraded	466 22,421 -345	466 22.775 -345	354
end-of-year	22.076	22.430	354

DEPARTMENT OF JUSTICE
DEPARTMENT Administration
Salaries and excesses
Proceed Ameriment, Fiscal Year 1990

製造の大学の変形の関節を受ける。 (1) はまれば、これの関節に対象

Table of Contents

a	Appropriation Language Sheet and Authorization Requirements	Summary of Requirements	Justification of Requirements	Financial Analysis	Program and Financing Schedule	Schedule of Object Classification
Iten	Appropriati	Sumary of	Justificati	Financial A	Program and	Schedule of

## DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Salaries and expenses

ppendix age Heading	1990 Request Pending	1990 Proposed 1990 Revised Amendment Request	1990 Revised Request
I-015 Salaries and expenses	\$546,181,000	\$5,000,000	\$551,181,000
xplanation of Request			
nis amendment will provide for foreign drug suppression/enforcement and intelligence programs in purce countries.	on/enforcement ar	nd intelligence	programs in

Authorization Requirements

The 1990 authorization bill has been prepared by the Department and is awaiting approval. Additional authorization of \$5,000,000 will be required for this revision to the budget request.

Drug Enforcement Administration

Salaries and expenses

Summery of Requirements (Dollare in thousands)

	1990 Appropr Anticipated	1990 Appropriation Anticipated	<u>\$</u>	1990 Proposed Amendment	posed It		1990 Revised Request	3	
Comparison by Activity	8	5	Pos. VV Prount	į	Pos. 47	Pos. VV Assunt	2	š	Pos. W Amount
1. Enforcement	3,364	3,215	3,364 3,215 \$307,493	:	:	\$4,000	3,364	3,215	3,364 3,215 8311,493
2. Investigative support	1,37	1,274	570,191 7/5,1 578,1	:	. :	1,000	1,373	1,274	1,373 1,274 192,072
3. State and local assistance	8	*	5,168	÷	:	:	*	x	3,168
4. Program direction	265	5	42,448	:	:	÷	597.	2	42,448
Total	\$,409	5,409 5,124	5,409 5,124 546,181			9,000	2,409	5,124	5,409 5,124 551,181

1990 Revised Request

1990 Proposed Amendment

1990 Request Pending

Drug Enforcement Administration

1 14

Salaries and expenses

Justification of Requirements
(Dollars in thousands)

1990 Revised Request	\$174,015	11 provide terials in nforcement in pect continued
1990 Proposed Amendment	\$4,000	1990 budget and wind supplies and main a suppression and east source, we can exert of our country
1990 Request Pending	\$170,015	ident Bush's amended ning, space rental, a lons aimed at foreign oblem directly at the nd heroin on the stre
	Item: Domestic Enforcement	The resources are requested as part of President Bush's amended 1990 budget and will provide additional operating funds for travel, training, space rental, and supplies and materials in support of DEA's Special Enforcement Operations aimed at foreign suppression and enforcement in source countries. By attacking the drug problem directly at the source, we can expect continued success in reducing the supply of cocaine and heroin on the streets of our country.
	Item:	The readditi

\$42,258	
\$42	provide ials to
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\$1,	budget upplies
	1990 ind s
\$41,258	amended cental, é
\$4.	Bush's
:	The resources are requested as part of President Bush's amended 1990 budget and will provide additional operating funds for travel, training, space rental, and supplies and materials to
Item: Intelligence	part of travel,
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Intel	ource.
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enhance DEA's Special Field Intelligence Program, which gathers strategic, operational and tactical information on international drug trafficking networks.

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Drug Enforcement Administration

	1990 Propo	1990 Proposed Amendment	Domestic Enforcement	Domestic Enforcement	Intel	Intelligence
Grade and object class	3	Amount	Pog.	Pos. Amount	Pos	Pos. Amount
Travel and transportation of persons	:	\$1,160	<b>:</b>	\$920	:	\$240
niscellaneous charges	:	750	:	900	:	150
Printing and reproduction	:	:	:	:	:	:
Other services	:	1,950	:	1,560	:	390
Supplies and materials	:	1,140	:	920	:	220
Total workyears and obligations, 1990	:	2,000		4,000	:	1,000

Facsimile of SF 300

(M)

### DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

### Program and financing (in thousands of dollars)

Ident	ification Code	1990	1990	1990
	15-1100-0-1-751	Request	Proposed	Revised
	••••••	Pending	Amendment	Request
Progra	mm by activities:	•••••	***************************************	
	**********			
Direct	t Program:			
1. Er	nforcement	\$307,493	\$4,000	\$311,493
2. Ir	nvestigative support	191,072	1,000	192,072
3. St	tate and local assistance	5,168	•••	5,168
4. PI	ogram direction	42,448	•••	42,448
	Total, direct program	546,181	5,000	551,181
Reimbu	ursable program	102,316		102,316
10.00	Total program costs, funded		• • • • • • • • • • • • • • • • • • • •	
	obligations	648,497	5,000	653,497
Financ	ing:			
• • • • • •	••••			-
Offs	setting collections from:		1	
11.00	Federal funds	(32,450)	•••	(32,450)
11.02	Federal funds - Organized Crime Drug			
	Enforcement	(68,366)	•••	(68,366)
13.00	Trust funds	•••	•••	•••
14.00	Non-Federal sources	(1,500)	•••	(1,500)
40.00	Budget Authority	546,181	5,000	551,181
		•••••	·	• • • • • • • • • • • • • • • • • • • •
Kelati	on of obligations to outlays:		**	,
71.00	Obligations incurred, net	546,181	5,000	551,181
72.00	Obligated balance, start of year	162,360	•••	162,360
74.00	Obligated balance, end of year	(201,488)	(1,250)	(202,738)
90.00	Outlays	507,053	3,750	510,803

Facsimile of SF 304

### DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES Object Classification (in thousands of dollars)

I den	tification Code	1990	1990	1990
	15-1100-0-1-751	Request	Proposed	Revised
		Pending	Amendment	Request
• • • • •	••••••••••	•••••	*******	********
	Direct Obligations:			
	Personnel compensation:			,
11.1	Full-time permanent	\$176,711	•••	\$176,711
11.3	Other than full-time permanent	1,600	•••	1,600
11.5	Other personnel compensation	15,455		15,455
		•••••	******	•••••
	Total personnel compensation	193,766	•••	193,766
	Personnel benefits:			
12.1	Civilian	70,323	***	70,323
13.0	Benefits to former personnel	157	•••	157
21.0	Travel and transportation of			
	persons	27,000	\$1,160	28,160
22.0	Transportation of things	5,792	• • •	5,792
23.1	Standard level user charges	34,141	•••	34,141
23.2	Rental payments to others	5,976	•••	5,976
23.3	Communications, Utilities and			*
	Miscellaneous Charges	35,997	750	36,747
24.0	Printing and reproduction	1,044	•••	1,044
25.0	Other services	120,171	1,950	122,121
26.0	Supplies and materials	16,085	1,140	17,225
31.0	Equipment	35,604	•••	35,604
32.0	Construction	•••		
42.0	Insurance claims	125	***	125
99.0	Subtotal, direct obligations	546,181	5,000	551,181
99.0	Reimbursable obligations	102,316	•••	102,316
99.9	Total obligations	648,497	5,000	653,497

Office of Justice Programs
Justice Assistance
Supplemental Estimate, Fiscal Year 1989

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Document and Dispersion Columbia

Harry Control

### DEPARTMENT OF JUSTICE

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## Office of Justice Programs

### Justice Assistance

For an additional amount for "Oustice assistance" for the Rublic Safety Officers' Benefits Program, \$2,900,000 to remain available until expended, and in addition, not to exceed \$1,100,000 may be transferred to the Rublic Safety Officers' Benefits Program from reversionary funds.

## Explanation of Request

Supplemental funding would provide the additional funds needed to pay eligible claims for Public Safety Officer benefits. The amount of the benefit payable was increased by amendments contained in the Anti-Drug Abuse Act of 1988.

## Office of Justice Progress

Summary of Requirements (Dollars in thousands) Justice Assistance

8	Communication by activities	198	1989 Presently Available	ently	-	Part fav	1989 Revised Estimates		989 Pr	1989 Proposed Surplemental
1		ā	Boat MX Ann	Amount	30	Post. HX	1 by Anount		Ħ	Pos. WY Amount
નં	1. Research, Evaluation and Demonstration Programs	:	:	\$21,000	:	:	\$21,000		:	:
%	Criminal Justice Statistical Programs	:	:	19,986	:	:	19,986	:	, <b>:</b> :	:
e.	State and Local Assistance	:	:	3,497	:	:	3,497	:	:	:
÷	Emargency Assistance	:	:	:	:	:	:	:	:	:
Ġ	Juvenile Justice Programs	:	ŗ	61,800	•	•	61,800	:	:	:
ė	Missing Children	:	:	4,000	:	:	4,000	:	:	:
7.	Public Safety Officers' Benefits Program	:	:	20,000	:	:	22,900	:	:	\$2,900
œ	Mariel Oubers	:	:	8,000	:	:	5,000 8	:	:	:
Ġ	Crime Control programs	:	:	:	:	:	:	:	:	:
ģ	10. Regional Information Sharing System	:	;	13,000	:	:	13,000	:	:	:
#	11. Anti-Drug Abuse Progress	:	:	148,500	:	:	148,500	:	:	:
75.	12. Management and Administration	72	334	22,292	334	334	22,292	4	4	1
	Total requirements	334	334	319,075	334	334	334 334 321,975 ,	:	:	2,900
g	This amount is proposed for resolation in the 1990 Prosident's budget. In keeping with the Budget Summit agreement, these figures are being used for the increased payments required in the PSOB program and to authinister the Civil	Pros:	idente", requis	s budget.	In kee	ping w	ith the Ba	rdget Si Iminiet	er the	agreement, civil

Under Induces are being used for the inci-Liberties Public Education Fund.

## Office of Justice Programs

### Justice Assistance

### Justification of Requirements (Dollars in thousands)

1989 Proposed Supplement	\$2,900	ral provisions that it was raised from raquirement for whal percentage 300,000 in 1989, 00, of which hemental funds,
1989 Revised Estimate	\$22,900	88 which contained seves Specifically, the benefit 1, 1988; the dependency 1, 1989 to seflect the arrangements to seflect the arrangements to seflect to \$4,000,00 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in supplements \$2,000,000 in suppleme
1989 Prosently Available	\$20,000	for this program. 6 for this program. 6 is retreactive to Jume justed to \$103,890 in wall require an again a additional amount refunds leaving a need funds leaving a need the stands and the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second o
	Item: Public Safety Officers' Benefits Program	This increase is needed to comply with the Anti-Drug Abuse Act of 1988 which contained several provisions that significantly increased the funding requirements for this program. Specifically, the benefit was raised from \$50,000 to \$100,000; the benefit charge was made retroactive to June 1, 1988; the dependency requirement for parents was dropped; and the benefit has been adjusted to \$103,800 in 1989 to realiset the annual percentage charge in the Corsamar Price Index. These charges will require an approximate total of \$25,300,000 in 1989, \$11,700,000 will be transferred from 1988; the additional amount needed will be \$4,000,000, of which \$1,100,000 will be transferred from reversionary funds leaving a need for \$2,900,000 in applemental funds.
	Item: Public Safety O	This increase is neede significantly increase \$50,000 to \$100,001 to parents was dropped; a charge in the consumer Since \$1,379,000 was \$1,100,000 will be trait flace payments are ref.

Supplemental requested, existing legislation

STANDARD FORM 300 July 1864, Bureau of the Budge Circular No. A-11, Revised.

### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

Program and financing (in thousands of dollars)

Identification (	15-0401-1-1-754	19 89	10 89	19 89 
		Presently	Revised	Proposed
Program	by Activities:	available	estimate	Supplemental
Direct p				
00.0101	Research, evaluation and demonstration programs	21,052	21,052	
00.0201	Criminal justice statistical programs	20,064	20,064	
00.0301	State and local assistance	3,547	3,547	
00.0401	Emergency assistance	1,148	1,148	
00.0501	Juvenile justice programs	68,205	68,205	
00.0601	Missing children	4,002	4,002	
00.0701	Public safety officers' benefits program	21,379	24,279	2,900
00.0801	Mariel cubans	5,000	5,000	
00.0901	Crime control programs	286	286	
00.1001	Regional information sharing system	13,000	13,000	
00.1101	Anti-drug abuse program	148,871	148,871	
00.1201	Management and administration.	23,745	23,745	
00.9101	Total, direct program	330,299	333,199	2,900
01.0101	Reimbursable program	9,960	9,960	
10.0001	Total obligations (object class 29.0)	340,259	343,159	2,900
Financir	<u>18</u> :			
11.0001	Offsetting collections from Federal funds	-9,960	-9,960	
21.4001	Unobligated balance, available start of year	-11,224	-11,224	
24.4001	Unobligated balance, available end of year			
40.0001	Budget authority (proposed supplemental appropriation)	319,075	321,975	2,900

### Supplemental requested, existing legislation

STANDARD FORM 300 July 164, Burmu of the Budget Circular No. A-11, Revised, 300-101

### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

Program and financing (in thousands of dollars)

Identification or	15-0401-1-1-754	10 89	19 89	10 89 444-44-
		Presently available	Revised estimate	Proposed Supplemental
Relation	of obligations to outlays:			
71.0001	Obligations incurred, net	330,299	333,199	2,900
72.4001	Obligated balance, start of year	424,753	424,753	
74.4001	Obligated balance, end of year	-475,683	-475,683	
90.0001	Outlays	279,369	282,269	2,900

Special Page 18 Annie Stein

# DEPARTMENT OF JUSTICE Office of Justice Programs

# Proposed Amendment, Fiscal Year 1990

Justice Assistance

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## DEPARTMENT OF JUSTICE

# Office of Justice Programs

## Justice Assistance

1990 Budget Appendix Page	Heading	1990 Request Pending	1990 Proposed Amendment	1990 Revised Request
I-0 25	dustice Assistance	\$96,253,000	\$96,253,000 \$150,000,000	\$246,253,000
Explanation of Regues	200 100 100 100 100 100 100 100 100 100			

This proposal would increase the request for fiscal year 1990 appropriations for the State and Local Drug Grant program. This proposal Would increase fiscal year 1990 outlays by \$55.5 million.

# Authorization Requirements

No additional authorization is required.

Office of Justice Programs
Justice Assistance
Summary of Requirements
(Dollars in thousands)

Ö	Combarison by activities	1990	1990 Request Pending	1990	1990 Proposed	199	1990 Revised Request
i		Poe. K	POS. MY AMOUNT	Post	Pos. W. Asquat	Pol	Post. MX Amount
4	1. Research, Evaluation and Demonstration Programs \$24,691	:	\$24,691	:	:	:	\$24,691
~	2. Criminal Justice Statistical Programs	:	. 32,449	:	:	:	. 22,449
ë	3. State and Local Assistance	:	:	:	:	:	:
÷	Emergency Assistance	:	:	:	:	:	:
æ.	5. Juvenile Justice Programs	:	:	:	:	:	:
ė	Missing Children	:	4,200	:	:	:	4,200
7.	Public Safety Officers' Benefits Program	:	35,000	:	:	:	. 25,000
•	8. Mariel Cubens	:	:	:	:	:	:
ë	9. Crime Control programs	:	:	:	:	:	:
10,	10. Regional Information Sharing System	:	:	:	:	:	:
=	11. Anti-Drug Abuse Program	:	:	:	\$148,500	:	148,500
12.	12. Management and Administration	200 31	19,913	7 97	14 14 1,500	324 33	324 332 21.413
	Total requirements	310 31	1 96,253	14	14 14 150,000	324 33	324 332 246,253

# Office of Justice Programs

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### Justice Assistance

# Justification of Requirements (Dollars in thousands)

1990	Revised	Request	\$148,500
1990	Proposed	Amendment	\$148,500
1990	Request	Pending	::
			Program
			Abuse
			Anti-Drug

Activity:

The purpose of this program is to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy which would focus on developing programs and projects to assist multi-jurisdictional and multi-State organizations.

This request for \$148,500,000 will continue Federal funding of the program at the same level as the 1989 appropriation. However, under the new provisions of the Anti-Drug Abuse Act of 1988, the formula grant matching requirement is increased from 25% to 50%. Since formula grants represent 80% of the amount appropriated, (\$118,800,000), an additional \$29,700,000 will be available to fight the war on drugs.

It should also be noted that 30% or \$44,550,000 of the funds will be devoted to drug prevention activities.

	1990 F	1990 Request Pending		1990 Ame	1990 Proposed Amendment	sed	19	1990 Revised Request	lsed
Activity: Management and Administration	Perm. Pos. h	WY Amount		Perm. Pos.	Ä	ount	Perm. Pos.	至	Amount
Executive direction & control, NIJ	53	53 \$3,262		:	:	:	53	53	\$3,262
Executive direction & control, BJS	52	53 2,9		:	:	:	25	53	2,939
direction & control,		46 1,5	-	:	•	:	46	46	1,508
direction & control,	38			14		\$1,500	25	25	2,746
itive direction & control,	28			:	:	:	28	78	982
OJP program support services	- 53	676 001	-	1	1	111	- 93	700	9,976
Total	310 3	818,913	13	14	14	14 1,500	324	332	21,413

This proposed amendment for 14 positions, 14 workyears and \$1,500,000 will provide the Bureau of Justice Assistance the much needed staff to efficiently and effectively administer the State and Local Drug Grant program.

Office of Justice Programs Justice Assistance

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	15 Prot	1990 Proposed	An	Anti-Drug Abuse	Mana	Management
Grade and object class	Amer Pos.	Amendment Pos. Amount	Pos.	Programs	Admini Pos.	Administration Pos. Amount
GS/GM-15.	73	\$142	:	:	~	\$142
GS/GW-14	е	174	:	:	m	174
CS/CM-13	v	276	:	:	ø	276
· · · · · · · · · · · · · · · · · · ·	-	121	444		9	121
Total positions and annual rates	77	713	:	:	14	713
		444	1		9 8 8	
ruit-time permanent Workyears and related commentation	;				,	
Other personnel company of	<b>7</b>	713	:	:	14	713
Companies Companies Companies	**	09	-	111	111	9
Workyears and related compensation	14	773	:	:	14	773
Fersonnel Denefits		115		:		115
Travel a transportation of persons		20		:		30
britishing and monthlittee & bisc. charges		00.		:		20
Other services		4.0		• • • • • • • • • • • • • • • • • • • •		45
Subblidg and setorials		118		2200		317
Equipment.		96		:		20
Grants, subsides and contributions		148,000		148,000		100
Total Workyears and obligations, 1990	77	150,000	:	148,500	14	1,500

STANDARD FORM 300 July 1964, Bureau of the Budge Circular No. A-11, Revised.

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### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

Program and financing (in thousands of dollars)

riogiam and trhancing (in	chousanus (	or dollars)	
15-0401-0-1-754	19 90	10 90	10 90
	Request	Proposed	Revised
	Pending	Amendment	Request
Program by Activities:			
Direct program:		1	
Research, evaluation and		1	
demonstration programs	24,691		24,691
Criminal justice statistical			
programs	22,449		22,449
Missing children	4,200		4,200
Public safety officers'			
benefits program	25,000	1	25,000
Anti-drug abuse program	•••	148,500	148,500
Management and administration.	19,913	1,500	21,413
Total, direct program	96,253	150,000	246,253
Reimbursable program	150		150
10.00 Total obligations	96,403	150,000	246,403
Financing:			
11.00 Offsetting collections		ļ	1
from Federal funds	-150		-150
40.00 Budget authority			
(appropriation)	96,253	150,000	246,253
Relation of obligations to			
outlays:		Į.	Į
71.00 Obligations incurred, net.	96,253	150,000	246,253
72.40 Obligated balance, start		1	1
of year	475,683		475,683
74.00 Obligated balance, end of	•	1	
year	-235,141	-94,500	-329,641
90.00 Outlays	336,795	55,500	392,295

And the state of the state of the state of the state of the state of the state of the state of the state of the

STANDARD FORM 304 May 1969, Bureau of the Budget Circular No. A-11, Revised. 304-103

### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

### OBJECT CLASSIFICATION (in thousands of dollars)

dentification code 15-	0401-0-1-754	19 9 0	1990	190
		Request	Proposed	Revised
Personnel con		Pending	Amendment	Request
1.1 Full-ti	me permanent	12,743	713	13,456
1.3 Other t	han full-time .			
perma	nent	260	•••	260
1.5 Other perso	nnel compensation	85	, 60	145
1.0 Special per	onel corvices payments	• • •	•••	•••
Total per	sonnel compensation	13,088	773	13,861
Personnel ber	etits:			
2.1 Civilian		1,820	115	1,935
3.0 Benefits for fo	emer personnel	10		10
1.0 Travel and tr	asportation of persons	550	50	600
3.0 Treascarnie	of things			
3.1Rental pa	yments to GSA	2,377		2,377
	yments to others	60	•::	60
	lties & misc charge		50	1,000
.0 Printing and	reproduction	550	45	595
3.0 Other services		20,183	817	21,000
6.0 Supplies and	naterials	150	50	200
1.0 Equipment	***************************************		100	100
2.0 - Londs and ser	ermree			
3.0 - Lavestm-ats e	nd loans			
1.0 Grants, subsic	lies, and contributions	31,515	148,000	179,515
2.0 Insurance clai	ms and indemnities	25,000		25,000
5.0 Interest and d	lvideads			
40 Refunder				
	+	06.050	150.000	246,253
	ect.obligations	96,253 150	150,000	150
Reimburs	ble obligations	120	•••	130
2.0 Total oblig	ntions	96,403	150,000	246.403

STANSARS POSS 300 July 1004, Buress of the Budge Chronic No. A-11, Revised.

### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

### PERSONNEL SUMMARY

15-0401-0-1-754	19 90	1990	19 90
Direct:	Request Pending	Proposed Amendment	Revised Request
Total number of full time permanent positions	310	14	324
Total compensable workyears: Full-time equivalent employ-			
ment	318	14	332
Average ES salary	\$73,787		\$73,787
Average GS/GH grade	11.04	13.29	11.14
Average GS/GM salary	\$39,466	\$50,929	\$40,507

STANDARD FORM 306 July 1968, Bereau of the Budget Circular No. A-11, Revised. 306-102

### DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

### DETAIL OF PERMANENT POSITIONS

15-0401-0-1-754	19 ⁹ 0	1990	19 ⁹⁰
	Request	Proposed	Revised
Executive level IV	renaing 4	Amendment	Request
xecutive level Iv	4		4
Subtotal	4	•••	4
ZS-4	5		5
ES-3	2		2
ES-1	3		3
Subtotal	10		10
GS/GM-15	25	2	27
GS/GM-14	57	3	60
GS/GM-13	60	6	66
38-12	36	3	39
3s-11	21		21
GS-10	2		2
GS-9	18		18
GS-8	12		12
GS-7	23		23
3s-6	14		14
GS-5	18		18
GS-4	8		8
GS-3	2	•••	2
Subtotal	296	14	310
Total permanent positions	310	14	324
Infilled positions end of year	•••		
Total permanent employment, end of	310	14	324

### WITNESSES

41-11 P.P.	Page
Abell, R.B	253
Baer, B.F.	348
Bayse, W.A.	1575
Bradley, David	187
Bratt, R.K.	367
Brixey, J.A	1575
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Carr, D.A	367
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Clark, E.A	348
Clarke, F.I	1575
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